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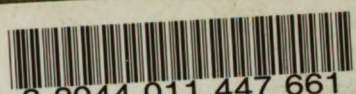
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**THE ORIGIN OF THE SYSTEM OF LAND GRANTS FOR
EDUCATION**

BY

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THE ORIGIN OF THE SYSTEM OF LAND GRANTS FOR EDUCATION.¹

INTRODUCTION.

When the Continental Congress, shortly before the adoption of the Constitution, set in operation its plan of colonizing the public domain, it followed the policy of making grants of wild lands for the support of schools. An ordinance passed in 1785 provided for the survey and sale of seven ranges of townships in the Ohio country, and in each township section number sixteen was to be reserved for the support of schools.

Two years later the same congress, as one of its last and certainly one of its most notable acts, established the Ordinance of 1787, for the government of the Ohio territory. It contained the famous declaration, that, "Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." The federal land grants for higher and common education made to the Ohio Company are contemporary interpretations of this declaration.

The policy thus announced and defined by the old congress was adopted and continued by its federal successor; and under it state after state has been erected in the expanding national domain, each endowed with a vast public property dedicated to the support of common schools. The influence of such endowments on the development of the state systems of education cannot well be over estimated. They have formed centers of state interest

¹This paper was submitted for the degree of M. L. in the University of Wisconsin, 1899.

and activity along educational lines. The land grant guaranteed a school fund, which brought education necessarily under state control. This centralization in turn, led to a prompt and vigorous development of school systems, even in states where the early environment was unfavorable to educational progress. These grants have not always been wisely applied;² it would be strange if they had been. But the general result, it may safely be asserted, has been to impart a vastly greater efficiency to the educational effort of the past century.³

This is a complete justification of the high praise always bestowed on the framers of the Ordinance of 1785 for their wisdom in incorporating in it the school reservation principle, and on the framers of the Ordinance of 1787 for their declaration. It justifies also the careful investigations that have been made in order to determine the exact means by which the educational clause was engrafted upon the ordinances of 1785 and 1787.⁴

But in regard to a policy which has been so fruitful in results it is desirable to know more than this. We wish to know, for example, from what source the statesmen of this period derived the *idea* of land grants for education; whether it came to them in the form of a "happy suggestion," as seems so often to be taken for granted, or whether it was the result of colonial experience. If the latter, just what and how far reaching were the customs which involved the principle of land grants? Lastly, assuming that the idea was involved in well defined local customs, how was it brought to the attention of the national legislators in a way to induce them to embody it in the ordinances?

These are the problems of the present paper. The investigation quickly revealed the fact that the idea was not a new one in

²On "The History and Management of Land Grants for Education in the Northwest Territory," see Knight, G. W., *Papers of the American Historical Association*, volume 1 (1883).

³When we reflect that without the stimulus of the land grants state control of education would probably, in some cases, have been long deferred, and that then the local units would have been left to follow their own inclinations in the matter, we begin to realize the importance of these grants incorporated in the acts establishing new states. Observation and history prove that in a large number of communities the state law has often been the sole means of keeping the public schools alive.

⁴This task has been successfully performed by Dr. Knight in the monograph cited above.

1787, but that it had already been in operation in one section of the country for many years. It was also found that these local customs could be traced back, through somewhat varying forms, to the earliest period of American colonization in the seventeenth century, and even to English practise in the sixteenth century.

These facts determine the mode of treatment to be followed, and fix in a general way the limits of the subject. The attempt will be made to trace the evolution of the land grant policy, beginning with the idea as brought in germ from England to the colonies. It will be shown how the idea of permanent school endowments, as understood by the English colonists, was affected by the two forces, *public care of education*, and *free land*; how a definite land grant policy grew up in several of the colonies under the stimulus of these forces; and finally, how the local policy became the policy of the entire nation.

In endeavoring to localize the land grant custom it was seen that examples of its earliest form might be found in all the colonies, but since, for special reasons, the growth into the later and significant forms took place only in a part of them, the illustrations are all selected from these colonies.

The materials for this study have been drawn almost entirely from original sources. Only on the first and last sections has any considerable help been derived from work done along these lines by others.⁵

⁵ The study of *English Schools at the Reformation*, by Mr. Arthur F. Leach, has afforded much light on English educational conditions in the sixteenth century; while Dr. Knight's monograph has greatly shortened the labor of tracing out the way in which the land grant policy was nationalized.

CHAPTER I.

ENGLISH PRECEDENTS FOR LAND GRANTS FOR EDUCATION.

There is a very general impression that education in England during the middle ages was a matter of little account; and that it was only with the opening of the modern era that progress began. Modern investigation, however, is forcing us to greatly modify our earlier ideas about educational conditions in mediæval England. A recent writer⁶ has shown that during the later middle ages England was fairly well supplied with schools of the ordinary kinds, and that, in proportion to population, she was probably better supplied with Grammar schools than she has ever been since that time. These schools were generally connected with church properties of various kinds, and were supported from the incomes of such properties. Some pertained to cathedrals, some to monasteries, some to collegiate churches, and a very large proportion to the numerous chantries.

With the destruction of the monasteries (and other religious foundations) by Henry VIII and Edward VI, the schools depending upon them lost their support and naturally perished also. Therefore the reign of Edward VI was from one point of view a dark age for education.⁷ On all hands the schools to which the people were accustomed had fallen. It is true Edward restored a number of them, but many were utterly lost; so that, as late as 1562, the speaker of the House of Commons complained to Queen Elizabeth that "at least a hundred [grammar schools] were wanting in England which before [the suppression of the monasteries] had been."⁸

Perhaps it is fortunate that the disaster came just when it did, for by that time the influence of the new learning, working

⁶Leach, A. F., *English Schools at the Reformation*.

⁷*Ibid.* Introduction; see also Gasquet, *Henry VIII. and the English Monasteries* II, 518-520.

⁸Trall, *Social England*, III, 228.

through such men as Erasmus, Colet and More, was beginning to quicken the intellectual life of the English people. They were therefore in some degree able to appreciate the loss of their accustomed schools, and were prepared to make sacrifices in order to replace them. Thus in the reaction which followed the suppression of the monasteries, we have the beginnings of a new educational movement;—a movement⁹ stimulated by the need created by the ruthlessness of kings, but endued with the spirit of the new age. Had the schools been destroyed a century and a half earlier it is possible that little effort would have been made to retrieve the loss; now, however, the English people became aroused on the subject of education, and began that activity in building and endowing schools which was still noticeable in the next century, and with which the colonizers of America were familiar.

In some cases the inhabitants of places in which schools formerly existing had been destroyed by act of the king, petitioned for their reestablishment. Such petitions were often favorably acted upon, the schools so established being endowed with portions of the sequestered church lands. The famous grammar school at Shrewsbury was founded in this manner. At that place, we are told, Latin had been taught in the monasteries until their suppression. In 1551 "the total want of some public institution for the education of youth in this town was represented to the King—and a considerable portion of the lands of the two dissolved collegiate churches of St. Mary and St. Chad were solidited for the maintenance of a Free Grammar school." The king acceded to the petition and established at Shrewsbury "The Royal Free Grammar School of King Edward VI."¹⁰

⁹ *Social England*, III, 29 et seq.

¹⁰ *Ancient and Present State of Shrewsbury* 346, 350. Compare *Social England*, III, 29.

Another excellent example comes from Kent. At Eversham there had been a grammar school endowed by an individual but placed under the control of the monastery. Henry VIII. destroyed the monastery and the school fell. The people at once petitioned for its restoration, but without success. A number of years later Queen Elizabeth, on one of her progresses, rested in the town two nights, and the people seized this favorable occasion to plead for the reestablishment of their school. This time they did not plead in vain, for the Queen endowed the new grammar school with a portion of the lands that had

But the restorations made by the monarchs did not compensate for the schools destroyed, and private individuals of wealth and public spirit came forward to supply the deficiency. The parliamentary statutes for the period and the annals of English towns, tell a story of private generosity in the founding of schools which forms a bright page in English history.¹¹ The statutes name as founders, "knights," "esquires," "clerks," plain men without titles of any kind, and one who is described as a "citizen and grocer of London."

The histories of towns and counties present numerous additional illustrations. Thus Tiverton¹² had a free grammar school endowed by a wealthy clothier in 1604; Utttoxeter¹³ had one founded and endowed by a priest in 1558; clergymen also endowed the schools at Skipton¹⁴ and Lincoln.¹⁵ In Alford¹⁶ the grammar school was richly endowed by a merchant, in 1565, and in Spaulding¹⁷ by "John Blanche," in 1558. Horncastle had a grammar school "founded and endowed by Lord Clinton and Saye, Lord High Admiral of England, under the authority of letters patent 1652."¹⁸

belonged to the old one. (Hastad, *History of Kent* I, 714.) For other illustrations, see the *History of the County of Lincoln* (2 vols. London and Lincoln, 1834), I, 262, 307.

¹¹The following, taken from Ruffhead, *Statutes at Large*, II and III, will illustrate the movement from the parliamentary side:

An act for the confirmation of a free school erected in the town of Stamford, and for the more sure enjoying of the lands given by William Ratcliffe for the maintenance of a schoolmaster there. (2 & 3 Edw. VI., 20, 21.)

An act for the erection of a free school in the town of Pocklington in the County of York. (5 & 6 Edw. VI., 8.)

An act for the better and further assurance of lands given to the maintenance of the free Grammar school in Tunbridge in the County of Kent. (14 Eliz., 2.)

An act for the perfection of assurance of certain lands given for the maintenance of a free Grammar School in the city of Coventry. (23 Eliz., 4.)

An act for the foundation of a hospital, a grammar school and maintenance of a preacher, in the town of Thetford forever, according to the last will and testament of Richard Fulmarston, Knight. (4 James I.)

An act to confirm and enable the erection of an hospital, a free grammar school and sundry other godly and charitable acts and uses, done and intended to be done and performed by Thomas Sutton, Esquire. (4 James I., 21.)

Other cases occur in the reigns of James I., Charles I., and Charles II.

¹²Harding, *History of Tiverton*, I, 43.

¹³Redfern, *History of Utttoxeter*, p. 303.

¹⁴Dawson, *History of Skipton*, p. 333.

¹⁵*History of Lincoln*, II, 207.

¹⁶*Ibid.*, p. 242.

¹⁷*Ibid.*, I, 291.

¹⁸*Ibid.*, II, 191.

CHAPTER II.

EARLY AMERICAN LAND GRANTS FOR EDUCATION.

In the light of English practise respecting school support, it is not surprising to find the early American colonists founding "free schools," or "free grammar schools," and endowing them with lands. The custom was followed to some extent in all of the colonies, but in certain ones, namely Massachusetts, Connecticut and New Hampshire,¹⁹ it developed steadily in the direction of a public land grant system.

We have seen that in England a very common form of school endowment was through a grant of land made by an individual. Such cases also appeared in the colonies. Capt. John Mason,²⁰ proprietor of New Hampshire, died in 1636. In his will, dated November 26 appears a provision for devoting one thousand acres of land in his colony to "the maintenance of a free grammar school for the education of youth."

In 1671 Mr. Thomas Bell, dying in England, bequeathed to Mr. John Eliot in trust for the use of a school in Roxbury, Massachusetts, all his lands and tenements situated there. The property was leased, and at once produced an income sufficient for schooling thirty boys. Sixty years later a part of the land was sold for a sum, the income of which supported a school of one hundred and thirty boys, with six teachers, all receiving the highest salaries paid for grammar school work.²¹

The cases noticed above illustrate the very general and well known custom of private endowment. It was not at all remarkable, in view of the educational activity of that and several preceding generations of Englishmen. But, alongside of these private grants, we have from the earliest time a class of public

¹⁹The same was true of Vermont, which became a separate state.

²⁰Capt. John Mason, *Prince Society Publications*, p. 404.

²¹*Memorial History of Boston*, IV, 239-240.

grants of a very special significance because of the peculiar development given them; namely, those made by towns or town proprietaries.

The early records of the town of Boston contain an illustration of this custom: "10th. day of ye 11th. month 1641 It is ordered that Deare Iland shall be improved for the maintenance of a Free School for the towne and such other occasions as ye select townsmen for the time shall think meet, the said school being sufficiently provided for."²² The town of Braintree²³ was incorporated in May, 1640. In July of the same year the corporation secured, by purchase, the famous tract of about one hundred and fifty-eight acres known as the "Coddington School Lands." They became so valuable that in 1739 the annual rental was £142, and the lands, for many years prior to that time, had been a great source of benefit to the school.

The school history of the town of Dorchester is extremely interesting from several points of view; but especially so because of the early use of lands for school support. In 1635 the general court of the colony granted to the town "Thomson's Iland—to enjoy to them and their heirs which shall inhabit there forever, paying the yearly rent of twelve pence to the treasury for ye time beinge." Four years later (1639) the town appropriated Thomson's Island for the use of the school, and a rent of twenty pounds per annum, collected from those occupying lands there, was paid to the school master.²⁴

New arrangements were made in 1641, whereby the revenues seem to have been increased. Elaborate rules were at this time made for the management of the school. A body of wardens was appointed to supervise it, and "to order and dispose of all things that concern the school [in ways] most conducive for the glory of God and the bringing up of the children of the town in religion, learning, and civilitie."

The school now entered on a very flourishing era, and its support seemed permanently assured, when the general court re-

²² *Ibid.*, pp. 238-239.

²³ *Ibid.*, p. 237. See also *Magazine of New England History*, III, 228.

²⁴ *History of Dorchester*, pp. 160-163, 420-424.

voked its former gift to the town and conferred Thomson's Island upon a descendant of the original occupant. The townsmen immediately presented a petition asking the court to grant them some other island in place of the one taken away; "towards the maintenance of a free school," which, they say significantly, "is like to faile" without such help. The court agreed that "when the town should present that which was fitt to be given it should be conferred upon them."²⁵

Perhaps there was no "fitt" island left to be granted. At any rate the Dorchester people brought suit for the recovery of Thomson's Island, and failed.²⁶ Nine years later (1659) the townsmen again petitioned for a renewal of the grant of Thomson's Island, and in case this could not be restored them, they desired the court to grant them one thousand acres of land in some convenient place, "for the end aforesaid, r.ely the maintenance of Or dying school." These lands were finally laid out in the western part of the state. They brought in very little revenue and in 1734 were sold for £400.

But there were other school lands in Dorchester. In 1657 the inhabitants voted to set aside one thousand acres of their own land for school purposes. This produced a small income during the years following. As new towns were erected within the earlier boundaries of Dorchester portions of this school land were either set off to them, or they were allowed to participate in the benefits of the income derived from them. Portions of the land were sold at various times and a small school fund established. There is evidence that at least three towns, all within the early bounds of Dorchester, participated in this fund.²⁸

²⁵ *Ibid.*, pp. 163-164.

²⁶ *Records of Massachusetts Bay*, III, 139.

²⁷ *History of Dorchester* pp. 433-434. The petitioners recite the circumstances of their possession of the island for several years, and speak of the benefits derived from it. Then they say: "But the said Island hath been taken from us and settled on others, to the almost if not total overthrow of Or free school wch was so hopeful for posteritie both our own and our neighbors also who had or might have received benefit thereby."

²⁸ *Ibid.*, pp. 432 et seq.

About the time that the school lands were to be laid out, just before the close of the seventeenth century, the records state that "Some of our friends of Mil-
ton [one of the towns set off from Dorchester] requested the town to grant them

The town of Dedham was begun in the year 1636. At a general meeting of the year 1644, "The said inhabitants, taking into consideration the great necessitie of providing some means for the education of the youth in Or said Towne, did with an unanimous consent declare by voate their willingness to promote that worke promising to put their lands to provide maintenance for a free Schoole in our said Towne. And further did resolve and consent, testifying it by voate, to rayse the some of Twenty pounds pr annum: towards the maintenance of a schoole Mr. to keep a free schoole in our said Towne. And also did resolve and consent to betruest the said 20£ pr annum *and certain lands in our town formerly set apart for publique use* into the hands of feoffees to be presently chosen by themselves to employ the said 20£ and the land aforesaid to be improved for the use of the said schoole: that as the profits shall arise from ye said land every man may be proportionately abated of his some of the said 20£ aforesaid freely to be given to the use aforesaid." The feoffees were chosen at the same meeting.²⁹ At a later meeting of the same year there was "granted to ye feoffees for ye schoole in Dedham for the use of the said schoole a percell of the training ground"³⁰ for the period of six years.

It is true the intentions of the town fathers of Dedham to endow the school from the town lands were defeated by their descendants; but this need not surprise us. A survey of the educational history of a considerable number of New England towns seems to show that even in the earlier period there was a great deal of indifference, while, as many of the local historians suggest, the second and third generations exhibited lower educational ideals than did the first. Dedham is a good example but there are others.

200 acres for the same purpose. The town did seem to favor the matter yet notwithstanding did defer the affirmative grant thereof until our own school lands above mentioned shall be first laid out, and until the town of Milton have a school appearing to need the same." (*Ibid.*, p. 269.)

In 1707 the town granted "150 acres to Milton provided a grammar school was kept there for fifteen years." (*Ibid.*, p. 282.)

²⁹ *Dedham Records, Town and Selectmen*, I, 105.

³⁰ *Ibid.*, p. 108. Other lands were voted for the use of the church in Dedham. (*Ibid.*, p. 166.)

The town of Woburn was begun as early as 1640 and was incorporated in 1642. Yet, up to 1673 the town records seem to contain no evidence of the existence of a school there. To be sure this does not prove that there was no school in the town, but it does show a lack of public interest in education. When we couple this negative evidence with the positive evidence available we have a fairly strong case. In 1673 two "dames" were paid ten shillings (between them) for a year's teaching. In 1674 the town, "Agreed with Jonathon Thomson to tech bigger children, and Allen Counar's wife to tech lesser children." They were allowed one pound between them for the work. Similar entries were made for each year till 1680.

By 1685 the town had over one hundred families, which, under colonial law, rendered it responsible for a grammar school. Mr. Samuel Carter, son of the minister, was appointed to keep such a school and was allowed the munificent sum of five pounds for the work. But even at that rate he was overpaid, for it fell out that there were no pupils to attend the school. The townsmen were not disposed to pay good money for nothing, and yet they were anxious to escape the ten pound fine for neglect to keep a grammar school. So the selectmen re-engaged Mr. Carter, agreeing to pay him twenty shillings, and if any scholars should attend, five pounds. There were no scholars. The same year a dame was appointed to teach the small children, at a salary of ten shillings and this is spoken of as the usual pay.⁵¹

Yet, in spite of frequent failure; in spite of local indifference; there were forces at work tending not only to check a threatened or actual decadence, but slowly to build up a strong educational sentiment among all classes of the people, and to place the interests of the school upon a firmer foundation. Among these beneficent forces we have to reckon the public interest in the lands early set apart for school purposes in a large number of New England towns. In many, perhaps in most cases, these lands when granted were of little value. But

⁵¹Sewall, *History of Woburn*, pp. 51-56. He quotes the town records and gives volume and page references.

their value steadily increased with the general development of the country, and with this increase the popular interest in them kept pace. So, while in the beginning there was probably no thought of obtaining a considerable revenue from the school lands, it came to be seen that in time they might form the adequate support of the town schools. Hence an increasing educational interest centering in such property.

The writer knows of no case which so clearly reveals the evolution of what might be called a "school lands consciousness" among the people, as does the history of the school lot in Springfield, Massachusetts. It will therefore be given with some detail in the succeeding section.

In 1636 William Pynchon, one of the members of the Massachusetts Bay Company, left Roxbury to seek a good location for the Indian trade on the Connecticut River. He pitched upon the land at the junction of the Agawaam, and bought a tract for a town lying on both sides of the "Great River."³² Trade was begun, and was carried on successfully for many years, first by William Pynchon and afterwards by his son. Those who came to cast in their lot with the original adventurers received land and the broad meadows along the river were opened up to cultivation. As new settlers came to the town it was the custom to grant them lands for house lots, for cultivation, meadow and pasturage.

It would appear that Mr. Moxon, the first minister, on settling there in 1638, received such a grant in exactly the same way as other settlers received theirs.³³ He remained until 1652 and on his departure the town purchased his entire property, consisting of the land granted to him in 1638, with the house and other improvements made upon it, and set it aside *for the support of the minister in Springfield forever*.³⁴

We will next notice the significant transaction which introduces the subject of school lands. March 13th., 1654. "Whereas there hath been a p'sell of land over ye great river at

³² The price paid was "18 fathoms of wampum, 18 coats, 18 hatchets, 18 hoes, and 18 knives."

³³ Burt, *The First Century of Springfield*. Introduction.

³⁴ *Ibid.*, p. 222.

ye lower end of Chickuppi plaine, reserved for ye Towne's use, & yet notwithstanding some of ye land hath been disposed off to p'ticular prsons so yt there is now but about Thirty acres there-off left; some prsons desiring yt ye said thirty acres may also be disposed off & distributed to several prsons: The Towne took it into consideration whether to yield thereunto, & ye major part of ye Towne, for several reasons, doe resolve not to dispose of ye said Thirty acres of land to any pticular prson or prsons as their ppriety but doe here by order yt ye aforesd Thirty acres of land at ye lower end of Chickuppi plaine over ye great river shall be reserved in ye Towne's hands, as ye Towne's land, for ye Towne's use, *either for ye helping to maintain a school master* or ruling Elder or to help beare any other Towne charges accordinge as it shall here after be concluded on, But not to be disposed off fro. ye Town's ppriety."³⁵

At the above mentioned meeting it was further "ordered yt ye select townsmen shall have liberty to let out ye sd land for yeare or yeares to bring in some yearly rent if they can find any to take it." The land was leased (apparently for the first time) in 1659, for the space of nine years.

By this time the reservation is spoken of as, "The 35 or 40 acres of Towne land in Chickuppi plaine," a strip having been added to it some years previous. The annual rent is accounted for on the credit side of the town's ledger, but there is nothing to prove that this money, (or produce, for it was paid in kind), went to the support of the school master prior to the year 1678. At a meeting of that year it was "voted and concluded that Mr. Daniel Denton shall have the profits of the Town's lands at Chickuppi and ten pound p annum, besides the allowance that the school master according to Town order or agreement is to have of al^s such as send their children or servants."³⁶

In the town accounts of the same year, 1678, on the credit side we read, "By ye Town land at Chickuppi, 6*£*-10*s*.; and on the debit side, "To ye School Mr 6*£* fro. ye Town and 6*£*-10*s*. fro

³⁵ *Ibid.*, I, 215. The Italics are mine.

³⁶ *Ibid.*, II, 140.

Chickuppi.”³⁷ Hence it is certain that the land was by this time at least occasionally used as a support of the school.

Let us now return to the ministry reservation. In 1655 Mr. Thompson came to Springfield as pastor, and at a meeting held November 15th of that year it was voted to give him possession of the land and house purchased of Mr. Moxon and set aside for the ministry. But it was definitely stated that, “When he shall cease to be our preaching minister, then ye said housing and lands to return to ye towne’s hands.”³⁸

Mr. Thompson left the town within a year and was followed by Mr. Hooker who remained only a few months. Then, after an interval, in 1660, came the Rev. Pelatiah Glover who stayed until his death in 1692. He, of course, was put in possession of the ministry lands; but he was not satisfied with the mere temporary enjoyment of the property, and requested the town to give him an absolute title in fee simple.

He was influential enough to secure a vote to this effect in 1665, “All present consenting thereto.”³⁹ This was a radical departure from both the spirit and the letter of the vote of 1655, and bore fruit later. In 1677, after the burning of Springfield by the Indians, a new house was built for the minister, and when a vote passed “To give Or Reverend Teacher, Mr. Glover this house—upon ye like terms as ye former house and lands were given,” the action of the majority was dissented from by twenty-two men, whose names were entered; they declaring in favor of “ye former vote yt ye house be for ye ministry, disallowing of any alteration of ye former vote.”⁴⁰

The above mentioned vote was taken in July; in August of the same year, at a special meeting called to consider this matter it was decided that the town had no right to grant the lands to Mr. Glover, they having been set aside for the support of the ministry forever.

They therefore concluded to raise Mr. Glover’s salary and resume the land “to its first and primitive use.” It was not to be “accounted or reckoned Mr. Glover’s propriety otherwise

³⁷*Ibid.*, I, 422.

³⁸*Ibid.*, I, 248.

³⁹*Ibid.*, II, 51.

⁴⁰*Ibid.*, II, 132.

than for use while he [should] continue [their] minister."⁴¹ Mr. Glover, however, seems not to have yielded gracefully to this conclusion and appealed to the general court to arbitrate the matter.⁴¹ The next year the matter was up again, and now a startling solution was found for the difficulty. It was voted that, in view of all the circumstances (including the declaration of the general court that the town ought to give Mr. Glover full compensation) to allow Mr. Glover to keep the ministry lands as his own and to set apart the Chickuppi lands, (with some nine acres added thereto), as ministry lands. The "votes for this exchange were 27, and the dissenters were 23; who though they dissented from confirming the Town's gift to Or Rev Teacher, yet they consented to give him a full compensation for the land first set apart for the ministry."⁴²

Thus the ministry lands are first voted away to an individual and then, to satisfy those who object to this proceeding the school lands are set apart for the ministry. But the end is not yet, as the division on the last vote would indicate. On the death of the Rev. Pelatiah Glover his son, Pelatiah, inherited his rights to the land in question. But the townsmen now showed a desire to secure those lands to their first use. Therefore they held a meeting, "in order to the discoursing and agreeing with Mr. Glover about the house and land wch ye Town granted his father which belongs to the ministry."⁴³

Thereafter, until 1695, a number of votes were taken on this matter, the Chickuppi lands figuring very prominently as a part of the compensation which it was proposed to give Mr. Glover. But finally it was decided that these lands could not be granted to an individual and a money compensation was given instead. The school lands party had gained a complete victory, which they were not slow to secure by passing a clear and definite resolution:

"That the ancient appropriation of Chickuppi land on

⁴¹ *Ibid.*, p. 134.

⁴² *Ibid.*, p. 156. We shall probably not be far wrong in assuming that the dissenters from the above vote represented a party which desired to retain the Chickuppi lands for school purposes.

⁴³ *Ibid.*, p. 205. This was in 1692. The italics are mine.

the west side of the river bee to the maintenance of a schoole in the Towne of Springfield. Also voted that the six acres of meadow, bee it more or less, on the east side of the river lying between the meadow of Col. John Pynchon on the south-east, and the meadow of Edward Stebbins on the northwest side bee appropriated to the same use, and is now granted unto that use, vizt, towards the maintenance of a school in Springfield forever."⁴⁴

Thus, happily, this grant, after passing through many vicissitudes, by reason of the development of a public sentiment favorable to a steady support of schools, came at last to be exclusively devoted to that purpose.⁴⁵

⁴⁴*Ibid.*, 344.

⁴⁵In the notes to *Acts and Resolves of Massachusetts Bay*, VIII, Resolves, etc., 1703-1707, Appendix III, pp. 588-593, is a chapter on the school history of Springfield, taken from Archives, LVIII, p. 245. It is there stated, "that the profits of the lands appropriated in 1653 (?) to the maintenance of a school seemed not to have been applied to that purpose before the year 1696. Possibly no income may have accrued from them. However that may be, the following vote by the inhabitants appears to have been the first attempt to realize and apply an income from these lands and at the same time to set apart other lands for the same purpose." Here follows the vote just given above. There is a misapprehension here, for it has been shown that there was an income from these lands long before 1696, and also that this income was at least once voted to the schoolmaster, and at least once paid to him. The writer evidently overlooked the series of transactions resulting directly in the vote given in 1696.

It is significant that the question of preserving to the town its school lands should have been so closely connected with the question of preserving the ministry lands. There is a clearly apparent development of a sentiment favorable to a permanent support of both religion and education. This is in exact accord with what we shall find to have been the sentiment of the colonial government of Massachusetts at this time.

CHAPTER III.

COLONIAL GRANTS FOR GRAMMAR SCHOOLS.

Thus far we have been looking at the subject of school support in New England from the point of view of the towns or local units. We will now take the matter up from the standpoint of the colonial governments.

The facts already brought out go to show that while many towns were extremely enterprising in the support of education, others were extremely negligent. Had the towns, therefore, been the ultimate arbiters in the matter, educational development would inevitably have been far different than it was. But the colonial government occupied a position with respect to the towns which enabled it to impose upon the latter policies having their spring in the better sentiment of the colony at large. The men who were sent to the general court were generally the most intelligent and most public spirited citizens; and it is clear from the laws passed for school support in general that they were disposed to force the backward towns to adopt their more advanced views respecting education. In this way such a degree of progress was secured as would have been wholly impossible under purely local control. One of the local historians of Massachusetts forcibly expresses the idea thus: "There were men who . . . believed in education, and sacrificed a good deal to promote it. . . . But the people generally had to be whipped up to the necessary expenditure." "Had not the colony spurred them up there is no telling when the reputation of our fathers for zeal in education would have been born."⁴⁶

There can be no doubt that the colonial influence, exerted in the form of a more or less paternal watchfulness over the relig-

⁴⁶ DeForest, *Early History of Westborough*, pp. 99, 96.

ious and educational welfare of the people, was a most important force in determining the educational history of the New England states. We, however, are especially concerned with a particular phase of that historical development, namely, landed support of schools.

From the colonial side, the policy of making definite grants of land for the purpose of promoting education seems to have arisen first in connection with the grammar schools. These institutions were very essential from the point of view of the New England fathers. The grammar school was the feeder of the college, that "School of the Prophets," from which the "learned and orthodox" ministry was recruited. But the maintenance of these schools bore very hard upon the towns; so much so that the fine for non-compliance with the law requiring every town of over one hundred families to support one, had to be increased in amount from time to time in order to make it effective. Even then many towns were "presented" for neglect each year. The fact seems to be that the grammar school was not popularly regarded as a necessity, and therefore its support was accounted a special burden.⁴⁷

Under such circumstances it is not strange that the colonial governments should have come to the rescue of the grammar schools by making special provision for their support.

The General Court of Massachusetts Bay in 1659, "in answer to the petition of the towns of Charlestown and Cambridge,—judge meet to graunt to each towne a thousand acres of land, upon condition that they forever appropriate it to [the maintenance of a grammar school] and within three years at furthest, lay out the same & put it on improvement; and in case that they faile of maintaining a grammar school during the said time they shall do so, the next grammar school of wt towne soever, shall have the sole benefit thereof."⁴⁸

The colony of Plymouth had an almost unique source of revenue in the fisheries at Cape Cod. Those who desired liberty to

⁴⁷The case of Woburn, cited above (p. 15) is an example.

⁴⁸*Colonial Records of Massachusetts Bay*, IV, 400.

take the "alewives" or herring there could secure the privilege only by paying a fixed license fee. At the Court held in March, 1672-3, a resolution was adopted granting the profits of the fisheries to the town of Plymouth, for the support of a grammar school already begun there, "and hitherto continued by God's grace with good success."⁴⁹ Plymouth received this money because she was the first town to establish a grammar school. Afterwards other towns built schools and then the "Cape Money," as it was called, was distributed among them. To illustrate: In 1683 "the Court have ordered the Cape Money as followeth: viz.: to Bastable school, twelve pound: to Duxburrow school, eight pound: to Rehoboth school, five pound: to Taunton school, three pound; and two pound to Mr. Daniell Smith."⁵⁰

This employed the whole of the thirty pounds now annually received for the fisheries, which therefore furnished the earliest actual school fund in America. Massachusetts Bay tried to stimulate the building of grammar schools by giving the towns large tracts of her surplus wild land. Plymouth, being straightened in her boundaries, was lacking this resource; so she substituted the profits of the sea.

In the same year that the town of Plymouth received the grant of the fishery profits (1672), the general court of Connecticut granted to the county towns of Fairfield and New London six hundred acres of land apiece "to be taken up where it may not prejudice any former grant, which sayd land shall be and belong to the said county townes forever to be improved in the best manner that may be for the benefit of a Grammar Schoole in the sayd County townes and to no other use or end whatsoever. There is also granted to the county towns of New Haven and Hartford to each of them, six hundred acres of land upon the same terms and to the same use with the other towns."⁵¹

⁴⁹ *Plymouth Colony Records*, V, 107-108. See on the Cape fisheries regulations, *Ibid.*, pp. 104, 243, 244. In 1677 the fisheries were granted to a corporation at an annual rent of thirtv pounds, silver money of New England.

⁵⁰ *Ibid.*, p. 259.

⁵¹ *Colonial Records of Connecticut*, 1665-1677, p. 176.

Committees were appointed to lay out the lands to each of these towns in 1702. It appears, therefore, that they were of no immediate benefit to the schools. The consequence of that fact appears later in the direct payment of

It is clear from the above, that before the close of the seventeenth century, the colonial governments of both Massachusetts and Connecticut had committed themselves to the policy of encouraging grammar schools; and this was done, save in the case of Plymouth, by grants of wild land to the towns in which such schools were located.⁵²

a portion of the salaries of the grammar school masters by the colonial government. See for the appointment of committees to lay out the lands, *Colonial Records of Connecticut*, 1689-1706, p. 402.

⁵²It is interesting, by way of contrast to the public educational activity in New England at this time, to recall the notorious passage in Governor Berkeley's reply to the "Enquiries" of the Lords Commissioners, relating to education in Virginia in 1671:

"Question. What course is taken about the instructing the people, within your government, in the Christian religion; and what provision is there made for the payment of your ministers?"

Answer. The same course that is taken in England *out of towns*; every man according to his ability instructing his children. We have forty eight parishes, and our ministers are well paid, and by my consent should be better if they would pray oftener and preach less. . . . But I thank God, there are no free schools nor printing, and I hope we shall not have these hundred years; for learning has brought disobedience, and heresy, and sects into the world, and printing has divulged them, and libels against the best government. God keep us from both." (*Hening's Statutes*, II, 517.)

CHAPTER IV.

SCHOOL RESERVATIONS IN GRANTS OF TOWNSHIPS.

We have seen how, in early colonial times lands were granted by private individuals for the support of schools. We have also seen that in a large number of cases, towns having a surplus of wild lands within their borders, set aside portions of them for the same purpose. Lastly, we have seen how the difficulty in providing grammar schools induced the colonial governments of Massachusetts and Connecticut to make direct grants of wild land to towns on condition of their maintaining such schools.

Both of these colonies possessed large bodies of land which were only gradually occupied. The settlements, as in the beginning, were usually made not by individuals but by companies of people who bought "townships"⁵³ of land from the colonial governments and received "charters" therefor. In making such grants the government could of course impose any conditions it might see fit, as, for example, that the township should be settled within a certain period; that the proprietors should make provision for the support of a minister in the new settlement, etc. Various stipulations of this kind are found in the seventeenth century documents, and early in the eighteenth century the charters begin to contain a definite provision for the support of religion and schools.

Let us first consider the practice in the colony of Massachusetts. In a grant of land which became the town of Sutton, made by Lieutenant Governor Dudley with the consent of the general court of Massachusetts in 1704, the charter provi-

⁵³For a discussion of the "Genesis of the Massachusetts Town," see Chamberlain, *John Adams, with Other Essays*, pp. 189-228; also in *Massachusetts Historical Society Proceedings*, Second Series, VII, 214-242.

sions are thus stated: "Provided they intrench upon no former grant of the General Court, and they be obliged to settle thirty families and a minister upon said lands within seven years after the end of the present war with the Indians; and that they reserve three hundred acres of the said lands for the first settled minister four hundred acres for the ministry, and two hundred acres for the use of a school, all to be laid out conveniently."⁸⁴

In the charter of Lunenburg,⁸⁵ granted in 1719, similar provisions occur, except that a fourth reservation is made for Harvard College.

The town of Lunenburg was sufficiently settled by 1728 to induce the inhabitants to ask for political organization. In the act incorporating the town it is stipulated: "that the inhabitants of the said town do provide for the comfortable and honorable support of a learned and orthodox minister among them, and likewise provide a school master to instruct their youth in reading and writing." This was simply carrying into effect the fundamental legal requirements that every town maintain a minister, and also an elementary English school. Possibly the reservation of lands for those purposes was looked upon as a means of insuring compliance with these requirements.

In the grant of the territory of Westminster in the same year the failure to carry out the proviso respecting reservations was made a sufficient cause for forfeiture. "If the said grantees shall not effectually settle the said number of families in each township, and also lay out a lot for the said settled minister, one for the ministry and one for the school in each of the said townships, they shall have no advantage, but shall forfeit their said grants."⁸⁶

In 1735 the town of Boston petitioned the general court for "three or four townships" of the Hampshire wild lands, to ease her burden of colony and local taxation. The court granted her three townships, each to contain sixty three shares, "one to be

⁸⁴ Benedict and Tracy, *History of the Town of Sutton*, p. 10.

⁸⁵ *Early Records of the Town of Lunenburg*, facsimile of charter printed as frontispiece.

⁸⁶ Heywood, *History of Westminster*; see copy of charter.

for the first settled minister, one for the ministry and one for a school."⁵⁷

The same year the general court of Massachusetts granted a township of land within the present limits of New Hampshire.⁵⁸ The charter contains this interesting passage: "And for the more effectual bringing forward the settling of the said new town, Ordered, that the said town be laid out into sixty three equal shares, one of which to be for the first settled minister, one for the ministry and one for a school."⁵⁹

In the list of Massachusetts charters for New Hampshire lands we find one of an early date, 1673. It contains no specific reservations, but there is a general reservation which may well have been the precursor of the better known forms of the next century. It reads: "The magistrates judge it meet to grant the petitioners request herein Provided that a farm of five hundred acres of upland and meadow be laid out of this tract for the publique use."⁶⁰

The latest of these New Hampshire charters is of the year 1773. It is the charter of the town of Walpole (N. H.), and contains four reservations; for the first minister, the ministry, the grammar school. and Harvard College. Aside from these two, one very early the other very late, there appears to be no variation in the reservations save a verbal one; and even this is extremely slight.⁶¹

In Massachusetts, therefore, we find at the opening of the century a clearly defined reservation policy, which was steadily adhered to down to the Revolutionary period. We shall find in a later phase of the study that it may be traced much further than this. Suffice it to say here that the common school fund⁶² of the state was based upon the proceeds of sales of land in Maine,

⁵⁷Smith, *History of Pittsfield*, p. 65.

⁵⁸This tract became the town of Dumbarton.

⁵⁹*New Hampshire State Papers, Town Charters*, I, 79. The italics are mine.

⁶⁰*Ibid.*, p. 84.

⁶¹*Ibid.*, p. 353. The term "grammar school" occurs occasionally in place of "the school," and possibly the reservation may often have been made out of solicitude for the grammar school, rather than the common school. The evidence, however, is not clear on this point.

⁶²Boutwell, *Origin and History of the Massachusetts School Fund*, in *Report of Mass. Board of Education 1859*, p. 38.

and there are also numerous examples of the endowment of academies⁶³ from the same source, showing that the use of wild lands for the promotion of education had a large development in Massachusetts.

Turning to Connecticut, as in the case of Massachusetts, we find instances of grants for school purposes made by the proprietors of towns. That there was school land in Hartford is evidenced by the vote empowering the school committee "to exchange the house and home lot belonging to the town that is improved for the maintenance of a school in the town: either for mead land or other lands that may be of benefit or advantage to the said school."⁶⁴

In Waterbury the proprietors early set aside land for the school, the rent from which was applied to its support. In 1734 it was sold and a fund created.⁶⁵ Suffield also had a school lot which apparently remained unproductive until about 1750, when it was leased for nine hundred and ninety nine years.⁶⁶ There were also school lands in Guilford, for at a meeting in 1671, "the town, considering the necessity of education of children" appointed a committee to lay out 30 acres of upland and 20 acres of marsh, "to be kept and improved for the best benefit of a school in Guilford."⁶⁷

We have seen how, in 1672, the general court granted lands to each of the county towns for the benefit of a grammar school. These lands could not be made available at once, and the necessities of the schools were urgent. Accordingly in 1690, the court ordered that the masters of the schools in Hartford and New Haven should have an annual salary of sixty pounds in country pay, "thirty pounds of it to be paid out of the country treasury."⁶⁸ The provision was amplified in 1693, "for the encouragement of learning in this colony, there being fower

⁶³ Order respecting grants to academies, passed in 1797; see *Report of Commissioner of Education*, 1877-78, pp. 431-432. Also *History of Westfield*, p. 318.

⁶⁴ *Connecticut Historical Society Collections*, VI, 298.

⁶⁵ *Town and City of Waterbury*, I, 596.

⁶⁶ *Documentary History of Suffield*, p. 56.

⁶⁷ *History of Guilford and Madison*, p. 396.

⁶⁸ *Colonial Records of Connecticut* (1689-1706), p. 31.

grammar schools in the county towns of each county, this court having granted to Hartford and New Haven for the end aforesaid thirty pounds apiece to the said Towns, now gave to New London and Fairfield County schooles twenty pounds to each of those county townes."⁶⁹

In 1700 a law was passed requiring the keeping of a common school in all towns of thirty families; "And towards the maintenance of the schools respectively it was ordered, that from the colonie rates, as the country rates are paid by the treasurer shall be yearly paid forty shillings upon every one thousand pounds of the publick list of persons and estates unto the several towns for the use of their schools aforesaid."⁷⁰

This solicitude for education on the part of the colonial government, a little later also took the form of land reservations in townships.

In 1687 the general court of Connecticut, thinking to save its western lands from the cupidity of the royal governor, Andros, granted the greater part away to the towns of Hartford and Windsor. No consideration was given, either at the time or subsequently, the transaction being looked upon as a means of public defense.⁷¹ But the possession of the lands came to be so agreeable to the towns that when the danger was past, the tyrant gone and the charter government restored, they obstinately refused to give them up to the colony. A dispute ensued which raged for many years and at one time seemed on the point of issuing in civil war.⁷² But in the meantime, and before the passions of the parties had been excited to the limit, a portion of the Hartford claim was occupied by settlers. The town in 1715 sent an agent (John Marsh) to explore a tract of these lands; the following year he made a purchase of the Indians; and in 1718 a company was organized for the purpose of settling a town at a place then called Bantam and later Litch-

⁶⁹ *Ibid.*, p. 97.

⁷⁰ *Ibid.*, p. 331.

⁷¹ *Colonial Records of Connecticut*, 1678-1689, p. 225.

⁷² Trumbull, *History of Connecticut*, II, 95-99.

field.⁷³ This body of proprietors, although operating under the authority of the town of Hartford, deemed it prudent to secure a confirmation of their charter from the colonial government. In this confirmation three shares are mentioned as being set aside, "for pious uses,"⁷⁴ which meant the ministry, first settled minister and schools.⁷⁵

In 1726 the general court agreed with committees of the towns of Hartford and Windsor, that the lands claimed by them and by the colony should be divided equally between the towns on the one hand and the colonial government on the other; they to have the eastern portion and the colony the western.⁷⁶ The division was effected in 1731,⁷⁷ the government meantime having procured the extinguishment of the Indian title to its portion.⁷⁸

A committee appointed about this time to see what it was best to do with the lands secured to the colony, reported in favor of their sale by townships.⁷⁹ Another committee made a report in 1733 which stands as a landmark in American educational history. The clauses having special significance in this connection are therefore quoted entire.⁸⁰

"First, that an act be made and passed at this assembly, granting all the monies which shall be raised by the sale of the seven towns lately laid out in the western lands,⁸¹ to the towns of this colony that are now settled, to be divided to them in proportion according to the list of their rateable estate in the year last past, and to be secured and forever improved for the use of schools kept in said towns according to law."

"2d ly: In order to the selling and settling said townships"—they are to be divided into fifty shares—"besides three shares that shall be set apart, one for the first minister that shall be set-

⁷³ Kilbourne, *History of Litchfield*, p. 18 et seq.

⁷⁴ *Colonial Records of Connecticut*, 1717-1725, pp. 126-127.

⁷⁵ *History of Litchfield*, p. 22.

⁷⁶ *Colonial Records of Connecticut*, VII, 44.

⁷⁷ *Ibid.*, p. 337.

⁷⁸ *Ibid.*, p. 168.

⁷⁹ *Ibid.*, pp. 361, 386.

⁸⁰ *Ibid.*, pp. 457-458.

⁸¹ The towns planted in this tract were Norfolk, Kent, Goshen, Canaan, Cromwell, Salisbury, and Sharon. (Steiner, *Education in Connecticut*, p. 30.)

tled there, to be conveyed to him in fee; one to be sequestered for the use of the present established ministry forever, and one for the use of the school or schools in such towns forever."⁸²

This report was approved and its recommendations enacted into law. The proceeds from the sale of the seven townships made the beginnings of Connecticut's common school fund.

That part of the western lands which by the above agreement was patented to Hartford and Windsor, was also divided into seven townships. These were sold and settled in a similar manner. It is almost certain that the three reservations indicated above were made in these towns also, as in the towns sold by the colony.

Thus we have the spectacle of a large portion of western Connecticut settling up under the policy of school reservations for the benefit of the towns in which they lay; while the older towns participated in the school fund created by the sale of the seven western towns.⁸³

In the study of New Hampshire towns we have three sets of documents: (a) the town charters granted by the government of New Hampshire itself; (b) the charters of the Masonian proprietors; (c) the charters of Massachusetts already mentioned. From these three sources we are able to ascertain the conditions on which nearly all of the townships of New Hampshire, settled after 1720, were granted. A study of these documents reveals the following facts: The earliest charters, those of the year 1722, with one exception,⁸⁴ contain the regular reservations as found

⁸²The phrase "school or schools" leaves no doubt that in this case the common schools are meant. This would be assumed, also, from the fact that the grammar schools (one in each county) had been specially endowed.

⁸³For an account of Connecticut influence in Pennsylvania, and school reservations in the Susquehanna townships see Appendix II.

When, in October, 1786, Connecticut passed a law relating to the Western Reserve, she provided for laying out the region in townships, and for reserving in each township five hundred acres for the ministry, five hundred for schools, and two hundred and forty acres to be given, in fee simple, to the first settled minister. (See *Hinsdale, Ohio, Arch. and Hist. Society Publications*, II, 477.) This was after the first seven ranges of townships had been laid out in Ohio, each with the reservation of section sixteen for schools. We shall find that there was an effort made in the congress which passed the Ordinance of 1785 to secure a reservation for religion also.

⁸⁴Londonderry; no reservations save for Governor and Lieut. Governor. *Town Charters*, I, 277.

in the Massachusetts and Connecticut grants. They are, however, stated in a slightly different form; one share "for the first settled minister, one for the parsonage, and one for the school." In the case of Barrington two hundred acres were laid out for the parsonage, two hundred more for the first minister, and one hundred for a school.⁸⁵

From that date the practice seems thoroughly established. In 1727 at least four charters were granted, all containing the reservations as above. At a later date a fourth reservation was added which finds a place in all of the charters granted by Benning Wentworth, the royal governor, both in New Hampshire and in Vermont. This was a share for the Incorporated Society for the Propagation of the Gospel in Foreign Parts.⁸⁶

Reference has already been made to the provision in Capt. John Mason's will in favor of a grammar school in his county of New Hampshire. Capt. Mason did not foresee the vicissitudes that this property would encounter, nor that the name of Mason, for the preservation of which he provided so carefully in his will (granting the county to his grandson, Robert Tufton, on condition of his taking the name of Mason), would ultimately fade out of the proprietary. But so it was that after more than a century of litigation the rights of the last Masonian, John Tufton (Mason), were transferred to a company of twelve men usually known as the "Masonian Proprietors." This was in 1746.⁸⁷

The proprietors began soon to make grants of townships, and in the space of twenty years, 1748-1768, issued charters to forty distinct towns, in every one of which, without a single excep-

⁸⁵ *Ibid.*, p. 124.

⁸⁶ The charters of the years 1752, 1753, and 1754 contain all of the reservations except that for schools. But the town histories show that some of these towns had school lots in the plats drawn in accordance with the charters. The Masonian charters of even date contained the school reservation. Many of these Wentworth charters, too, were renewed for various reasons, and in such cases the provision for the school was uniformly inserted. Why the school was not mentioned in the charter, I have not been able to discover, but its omission was apparently accidental.

⁸⁷ The head of this proprietary was Theodore Atkinson, who was then and remained for many years, the secretary of the colony. His name appears on most of the charters granted by the colonial government.

tion, reservations were made for the first settled minister, for the ministry, and for the school. In one case a "mill right" was added to the list; and in a single instance, in 1769, the third reservation was stated for a grammar school.⁸⁸ Otherwise there is complete uniformity.

The "New Hampshire Grants," of territory in the present state of Vermont number about one hundred and thirty. Most of them were made after the year 1760, when the great immigration to Vermont began. With the exception of the fifteen or sixteen charters issued before 1760, all seem to contain the usual reservations; one for the first minister, one for the ministry according to the Church of England, one for the Society for the Propagation of the Gospel, and one for the school. In five of the cases above excepted, it has been ascertained, either from the plats, or from the town histories, that reservations for schools were included though not stated; and it seems reasonable to suppose that this was always true.

When the people of Vermont organized a government of their own, townships were granted by it with a somewhat different statement of reservations. In the charter of Montpelier, 1781, there are reserved, "one right for the use of a seminary or college, one right for the use of the county grammar school, one right for the support of public worship, and lands to the amount of one right for the support of an English school or schools in said township." It is worthy of note that the college and grammar school rights were placed under the control of the general assembly. The others were to "be and remain inalienably appropriated to the uses and purposes to which they [were] respectively assigned, and be under the charge disposal and direction of said town forever."⁸⁹

In 1794 the legislature of Vermont passed a law appropriating the glebe lands to the support of public worship, the rents and profits to be distributed among the several church organizations in the town in which such lands lay. This was a blow

⁸⁸ *Town Charters*, V, 249.

⁸⁹ Thompson, *History of the Town of Montpelier*, p. 24.

at the church of England.⁹⁰ A second law appropriated the lands reserved for the Society for the Propagation of the Gospel, to the towns for the use of the schools.⁹¹

⁹⁰*Documentary History of the Protestant Episcopal Church in the State of Vermont*, pp. 53-54.

⁹¹Slade, *Laws of Vermont*, pp. 193-194. The United States District Court, in a test case, decided that this act of the state legislature was legal. See also *Documentary History of the Protestant Episcopal Church in Vermont*, pp. 338-341, 357-360.

It is hardly necessary to point out here that in the Vermont grants made by the New York government (which claimed the territory), no reservations were made for religion and education. (See *Green Leaves from Whittington*, p. 734, for copy of a New York charter.)

The notable letter of Dr. Samuel Johnson, of King's College, New York, to Archbishop Secker, April 10, 1762, is in point here. He says: "And I beg leave, my lord, to observe, that it is a great pity, when patents are granted, as they often are, for large Tracts of Land [in New York], no provision is made for Religion or Schools. I wish therefore Instructions were given to our governors never to grant patents for Townships or Villages, or large Manors, without obliging the Patentees to sequester a Competent portion for the support of Religion and Education." (*Documents Relative to Colonial History of New York*, VIII, 497.) Dr. Johnson was very familiar with the customs of the New England colonies, especially Connecticut.

New York adopted the land grant policy after it had been put in operation by the national government, and applied it to the western part of the state.

CHAPTER V.

NATIONALIZATION OF THE RESERVATION POLICY.

We have traced the policy of reservations by colonial governments down to the end of colonial times. It now remains to see, whether the policy was a continuous one extending generally into the constitutional period; and whether there was any connection between this policy in the New England states and the national reservation policy inaugurated with the Ordinances of 1785 and 1787.

Let us take Massachusetts as the typical New England state. Coming at once to the period following the Revolution we find that in 1785, the year of the land ordinance, a law was passed granting a confirmation of five townships between Penobscot and Union Rivers in the district of Maine. In each of the townships four lots were reserved, one for the first minister, one for the ministry, one for future appropriation, and "one for the use of a school forever."⁹²

In 1786 it was resolved⁹³ "that the committee for the sale of the unappropriated lands belonging to this commonwealth in the county of Berkshire, Be and hereby are empowered and directed, in the disposal of the lands belonging to this commonwealth in the district of New Ashford, to provide for the following reservations and appropriations, viz: two hundred acres for the first settled minister, two hundred acres for the use of the ministry, and two hundred acres for the use of a grammar school."

An act was passed in March, 1786, confirming Deer Island and Sheep Island to the inhabitants of those islands respectively, on condition, first, of their paying a certain sum into the state treasury, and second "that they appropriate three hundred acres

⁹²*Laws and Resolves of Massachusetts, 1784-85, p. 407.*

⁹³*Laws and Resolves of Massachusetts, 1786-87, p. 299.*

of land for the ministry and three hundred acres for the use of a grammar school."⁹⁴

A certain township, referred to in the acts as "Number 3" had been granted in March, 1785, to a group of persons, "on conditions which it is improper to insist on the performance of as per charter;" said lands are therefore confirmed to the same parties "with the reservations and on the provisions and conditions expressed," in the original resolve. These conditions had reference to the three reservations, one for the school. It is interesting to note that "Township number 3" was surveyed by Rufus Putnam.⁹⁵

In 1719 two townships were ordered to be laid out for the benefit of the sufferers from the burning of Falmouth, now Portland, by the British in 1775. In each four lots of three hundred twenty acres were to be reserved for the usual uses.⁹⁶ We have a similar case in 1792 and other cases later.⁹⁷ But it will not be necessary to detail them. Enough has been said to prove the continuity of the policy. It originated with the colonial governments in the period about 1700 and extended well into the constitutional period.

We are now to inquire whether the national policy,⁹⁸ usually traced no further back than 1785 or 1787, is in any sense an outgrowth of this New England system. On general principles it would seem that a policy so deeply rooted in the institutional life of an important section must have an influence upon the government of which that section forms a part; but it is possible to trace a close and direct connection.

The treaty which closed the Revolutionary War left us an independent people, with boundaries including territory far beyond the frontiers of settlement on the west. This great stretch of wilderness, from the Alleghanies to the Mississippi, became,

⁹⁴*Laws and Resolves*, 1784-85, p. 925.

⁹⁵*Ibid.*, p. 887.

⁹⁶*Ibid.*, (1786), 415.

⁹⁷*Ibid.*, (1792), 464.

⁹⁸I have received much help on the later phase of this subject from the monograph on "*The History and Management of Land Grants for Education in the Northwest Territory*," by Geo. W. Knight, Ph. D., published in the *American Historical Society Papers*, volume I.

by cession of the several claimant states, the endowment of the general government. Just as Massachusetts in 1700 had a body of wild lands which could be granted on conditions; just as Connecticut had western territory which could be set off into townships and sold for the benefit of the entire colony; so now the nation was the possessor of a vast tract of wild lands, the management of which was destined to be deeply significant in its influence upon American institutions in general, and especially on the institutions of education.

In 1784 Virginia, which had by far the most important claim to western lands, ceded her rights to lands northwest of the Ohio River to the government of the Confederation "for the common benefit of the states." The congress at once proceeded to assert its jurisdiction over the district, though the claims of Massachusetts and Connecticut to portions of the same territory, were not formally yielded till some time later.

While the first proposal of Virginia was under discussion, in 1783, Col. Bland, a delegate from that state, moved in congress to accept the cession on the terms proposed by Virginia: and that the territory to be ceded be divided into districts of a definite shape each district to become a state on possessing 20,000 inhabitants. Some of the lands were to be given to the Revolutionary soldiers as bounties; but one tenth of them were to be reserved by congress, the income to be "appropriated to the payment of the civil list of the United States, the erecting frontier forts, the founding seminaries of learning,"⁹⁹ and the surplus, if any, to be appropriated to the building and equipping a navy." Nothing came of this motion.

Although this was the first proposition made in the congress looking to the appropriation of the national domain to the support of education, it will be observed that the form of the proposition is wholly different from that ultimately adopted. It contemplated, apparently, the endowing of colleges, and the author

⁹⁹Virginia, in 1780, appropriated eight thousand acres of land in the county of Kentucky "for the purpose of a public school, or seminary of learning, to be erected within the said county." *Hening's Statutes*, x, 287. This may indicate what Col. Bland had in mind in the above motion.

of it seems to have had no conception of the support of a common school system by that means. That idea was to come from another quarter: the quarter, namely, in which it was already, and had been for a long time, operative.

This same year, 1783, a movement was started in New England, having in view the emigration of a large body of Revolutionary veterans to the Ohio country, and the planting of a state there. Timothy Pickering of Massachusetts drew up the plan for the proposed state,¹ and on the basis of this plan General Rufus Putnam, the leader of the movement, submitted a petition to congress. Pickering suggested² that, after satisfying the just demands of the Revolutionary soldiers, "all the surplus lands should be the common property of the state, and disposed of for the common good, as for laying out roads, building bridges erecting buildings, especially schools and academies, defraying the expenses of government and other public uses."³ "Schools and academies" has a different ring to our ears than "seminaries of learning."

The commentary needed to explain just what was meant by Pickering's statement is supplied by the letter of Rufus Putnam to Washington, submitting a petition to Congress. In this letter which was sent to the congress together with the more formal document,⁴ he suggests that, "the lands should be divided into townships six miles square, with reservations for schools and the ministry."

Here we have exactly what we should expect. In this projected migration of New Englanders to the great West it was proposed, very naturally, to take with them the institutions with which they were thoroughly familiar and to which they had become attached. They had in mind the same system of local self government which prevailed among them, and which

¹Pickering, I, p. 546, et seq. Also found in the *Ohio Archaeological and Historical Society Publications*, IV, 2-5.

²*Ibid.*, p. 548.

³Knight, p. 35.

⁴See Walker, *History of Athens County, Ohio*, pp. 30-36, for Rufus Putnam's letter to Washington. For Washington's letter to Congress, see Ford's *Writings of Washington*, x, 267.

was applied to their own back country; hence the township "six miles square," long the customary size and form of the townships granted by the New England colonial governments in their western lands.⁵ Provision for the ministry was one of the first conditions enjoined upon the proprietors of such new townships and a landed endowment for this purpose, as well as for schools had long since come to be the settled policy. How appropriate that a man who was employed to lay out these lands in the wilds of New England, who had surveyed "township Number 3" in Lincoln county, should be the first to suggest to the national congress, now that it had wild lands to deal with, the policy to be pursued respecting surveys and reservations. But time and stress would still be required to realize the idea in the national system.

In May, 1784, Mr. Jefferson reported a bill "for ascertaining the mode of locating and disposing of lands in the western territory." Its consideration was postponed and it was not taken up until March of the next year. Then it was recommitted and a new bill reported having similar provisions. This in turn was temporarily laid aside, apparently to give time for discussion outside of congress. Copies of the proposed bill were sent to prominent men in different sections. Col. Timothy Pickering objected to it on the ground that there was "no provision made for ministers of the Gospel, nor even for schools or academies."⁶ This criticism was made in a letter to Rufus King, a member of the committee that made the report. The bill was recommitted March 16th, Rufus King being again on the committee. The result was a new ordinance under the old title but embodying many modifications. In it appeared the following clause: "There shall be reserved the central section of every township for the maintenance of public schools, and the section immediately adjoining for the support of religion, the profits arising therefrom in both instances to be applied forever according to the will of the majority of male residents of full age within the same."

⁵But Connecticut often granted townships five miles square.

⁶Pickering, I, 509. Letter from Pickering to King.

In a letter accompanying a copy of the report, Rufus King wrote to Pickering, "You will find thereby, that your opinions have had weight with the committee that reported this ordinance;"¹ The part of the clause respecting religion was stricken out by the congress, but the provision for education remained in the ordinance as adopted. This is one landmark.

In pursuance of the ordinance of 1785 the so called "seven ranges" of townships were surveyed. The sales, however, were of little consequence, and it was seen that if the lands were to be a source of revenue, which the bankrupt state of the treasury rendered imperative, something must be done to hasten their sale. The plan finally adopted was dictated by necessity and rendered possible of execution by a peculiar set of circumstances. It was, namely, to lump off the lands in great blocks to land companies, who were ready to supply the treasury in return with appreciable sums of money. The companies would parcel out the lands among actual settlers.

In 1786-7 a new company of New Englanders was organized for the purpose of settling Revolutionary soldiers and others in the Ohio country. Rufus Putnam was a leading figure in the new organization, and associated with him were Manasseh Cutler and Samuel Holden Parsons. A memorial to congress was at once drawn up and presented in May, 1787. This paper contained a proposition on the part of the company to purchase of the government a body of contiguous territory north of the Ohio and to plant a new state there. It injected new life into the whole question of dealing with the western lands.

A new ordinance was reported providing for the government of the North West Territory. A former bill, which contained no education clause, had been recommitted and formed the basis of the new. This measure was enacted into law as the "Ordinance of 1787," on July 13th. It contains the famous passage, "Religion, morality and knowledge being necessary to good government, and the happiness of mankind, schools and the means of education shall be forever encouraged."

¹Pickering, I, p. 511.

The Ohio Company was on the ground in the person of the skillful lobbyist, Dr. Cutler, and it is scarcely doubtful that he exerted great influence in favor of the principle. However that may be it became ingrained in the life of the nation and was realized in the magnificent endowments received by the new states.

But we have not forgotten that the New England idea coupled the support of education with that of religion. Would the government be prepared to accept the entire system? The committee appointed to deal with Dr. Cutler, after several conferences with him, reported in favor of selling the lands on Cutler's terms. He had stipulated that one lot in each township was to be reserved for common schools, another for the support of the ministry, and that four whole townships should be set apart for the maintenance of a university. Congress was unwilling to make such liberal donations, and framed a contract ordinance providing for the reservation of but one section in each township, number sixteen, for schools. Cutler would not accede to the terms and made new proposals, which congress, under the stress of circumstances, felt obliged to accept. The provision for reservations was as follows: that "Lot number sixteen be given perpetually, by congress to the maintenance of schools, and lot number twenty nine to the purpose of religion in the said townships. Two townships near the center and of good land to be also given by congress for the support of a literary institution, to be applied to the intended object by the legislature of the state."⁸

Similar reservations were made in connection with the Symmes purchase made during the same year. But this was the last occasion on which provision for religion was made by the national congress, while with regard to schools, the "section sixteen" clause in the land ordinance of 1785, became the principle in all future grants within the North West Territory, and also in the new states of the Southwestern and trans-Mississippi territory, erected prior to 1850.⁹ From that time two sections in each township, sixteen and thirty-six, were granted for school purposes.

⁸Knight, p. 17.

⁹Oregon, admitted in 1859, was the first state to receive two sections.

APPENDIX I.

THE EFFICIENCY OF SCHOOL RESERVATIONS IN NEW ENGLAND.

(a) Massachusetts.

The township of Sutton¹⁰ was granted in 1704. In 1725, at a town meeting, it was "Voted that the school land in Sutton be all sold, reserving the thirty acre lot, and the money to be put out for the benefit of a school in Sutton forever."

Col. Jonathan Harwood entered his dissent against the lands being sold. Apparently the opposition made headway, for in 1734 the selectmen are ordered to act as a committee, "to see whether the town may with safety make a sale of the school lands." In 1741 a committee was appointed to lease out the school lands. But four years later it was "Voted, to appoint a committee, to prepare a petition to ye grate and Generall Court, praying liberty to make sale of school lands." Evidently the sale was made, for in 1777, when a portion of the inhabitants sought to be set off as a separate parish, they asked for their, "part of the school money for future time."

In 1775 the town's school fund, which represents doubtless, the money received for this land, with possibly some accretions, was reported as amounting to £144 17s. But at a later time this fund seems to have been lost, either by misappropriation or by bad investment.

In Worcester¹¹ the school lands yielded an income as early as 1742, when it was, "voted that all the money due to the town from persons not serving as constables to this time, the rent of the school lands hitherto and for the present year, and the money

¹⁰Benedict and Tracy, *History of Sutton*, pp. 32, et passim especially, 52, 60, 70, 71.

¹¹*Records of Worcester*, part 2, p. 28.

due from the trustees amounting in ye whole to—£41 15s 1d be applied towards paying the town debts.” In 1754 a committee which had been appointed to consider the question of selling a small portion of the school land reported against the sale. Here again, there was evident fear that an actual sale of the school lands would be in violation of the terms of the charter; and a plan was devised to escape the legal difficulty. Instead of selling the lands they were leased for nine hundred and ninety nine years, at a yearly rent of £5, and a lump sum, sufficient to produce £5 annually at six per cent. interest, was taken in full discharge of the rent for the entire term. The annual interest was to be devoted to the support of the school.¹² In 1769 the town negatived a motion to sell other school lands.¹³

Pittsfield¹⁴ was one of the towns granted to Boston in 1735, in which school reservations were made. In 1855 the town received about \$120 yearly from lands thus appropriated more than 100 years before.¹⁵

In Palmer,¹⁶ chartered in 1732, the school lot was sold in 1758 for £30 13s 4d. The ministry lands were also sold and the two sums jointly devoted to the purchase of another farm. How this latter was used is not clear.

Lunenburg was chartered in 1719 and incorporated in 1729. The school lands were not all laid out until 1764, when 169 acres were set aside by the proprietors.¹⁷ The town records, which extend only to 1763, give us no information as to the use made of these lands; but they show that great interest was taken in educational affairs. Interesting questions concerning the school lands arose, when Fitchburg,¹⁸ which was set off from Lunenburg in 1764, tried to secure its share of them. Committees were chosen at several different meetings, to search the records of Lunenburg to find out what agreement was made be-

¹²*Ibid.*, p. 35.

¹³*Ibid.*, p. 164.

¹⁴Smith, *History of Pittsfield*, p. 136.

¹⁵Holland, *History of Western Massachusetts*, I., p. 497.

¹⁶*History of Palmer*, p. 90.

¹⁷*Proprietors Records. Lunenburg*, p. 108.

¹⁸*Old Records of Fitchburg*, pp. 192, 193, 269, 271.

tween the two towns concerning these lands, and to settle with Lunenburg or prosecute to final judgment. One committee was instructed to search the town records of Lunenburg, "and take a tested coppes of the records, to know what purpose those lands was granted for and to see if the town of Fitchburg had any rights," to them. Here the Fitchburg people seem to have dropped the matter.

We find, therefore, by a study of the records of five of the Massachusetts towns, in whose charters reservations were made, that in at least three cases, the grant was effective in producing funds, and that these funds were used for the support of schools within the respective towns. The other two cases are doubtful.

(b) *Connecticut.*

We have seen how the proprietors of Litchfield, under the confirmation by the general assembly, of a grant made by Hartford and Windsor, set apart one sixtieth part of the town for the use of a school. The town being a large one, such a share amounted to about 700 acres. In 1729 it was voted to sell these school lands for £1,000. Probably there was opposition on the ground of lack of power to alienate, for at a later meeting of the same year, an agent was appointed to apply to the general assembly, "For liberty to make sale of the school lands in Litchfield." In November it was voted that the school lands should be leased for the support of a school for the period of nine hundred and ninety nine years. An interesting feature of this vote is that in which the townsmen bind their successors, "in ye recognizance of £10000, lawful money, to give a new lease of said right at the end of said term of nine hundred and ninety nine years, if there shall be occasion."¹⁹ The terms of the instrument, which was executed April 15, 1730, were as follows: for eight years the lease to pay £27 annually: then a lump sum of £450.

The following is typical of not a few entries in the colonial records of both Massachusetts and Connecticut, and shows that

¹⁹ *History of Litchfield*, pp. 5, 6; also, p. 57.

the school right was in general accounted as a valuable property. In 1768 the inhabitants of South Farms, a parish in Litchfield, petitioned the assembly, reciting, "that the General Assembly in their grant of said township reserved certain lands in said township for pious uses in said town:" that they have already been constituted a parish "yet the first society refuse to grant them their proportion of said interest." A committee was appointed to look after the interest of the petitioners, in other matters, and to find out "the condition of said school lands."²⁰

Goshen was one of the seven western towns. "In 1742, before the town was incorporated, the proprietors leased the school right for nine hundred and ninety nine years, and voted that the proceeds should be used to support two schools in the east part of the town, one in the south and one in the west part of the town."²¹ Torrington had a school lot appropriated by the proprietors in 1754. In 1772 it was leased for 999 years, for £93 14s. The income of the fund so created was devoted to the use of the school.²² Suffield²³ likewise had a school lot, laid out by the proprietors. It was also leased for the same term, about 1750. We are not assured that the income was devoted to the use of schools.

(c) *New Hampshire.*

In New Hampshire we are able to follow the fortunes of the school lot in fourteen different towns, whose charters contained the reservations. Out of this number of cases twelve towns either sold the school right or leased it for 999 years, and applied the income to school support. In one case the lands were sold but the money received is not accounted for; and in the fourteenth case they were leased for 900 years, for a lump sum, and the money misappropriated.

Some very interesting facts are disclosed. In New Ipswich²⁴ the lands were sometimes improved by the town, sometimes

²⁰*Colonial Records of Connecticut*, V, 13, 41-2. (1768.)

²¹Hubbard, *History of Goshen*, p. 266.

²²Orcutt, *History of Torrington*, p. 150, et seq.

²³*Documentary History of Suffield*, p. 56.

²⁴*History of New Ipswich*, p. 106.

leased, till 1796 when a part of them were sold and the proceeds funded. Sales were made at intervals thereafter until in 1835 the fund was \$1,351.62.

In Marlborough²⁵ the school lands were leased in 1767, for 100 years; but on the expiration of the term they were leased for 50 years.

In New Boston,²⁶ we are told, the school fund, from the early sale of the school land, became absorbed in other town funds, and was largely lost. In 1864 the income was only \$15 per annum.

A committee appointed in Dublin,²⁷ New Hampshire, in 1820, found that the school lands had been sold at different times: part in 1777, part in 1782, and the remainder in 1815. The total receipts amounted to \$1,576.15. The town voted "that the interest of the above sums" (ministry lands had likewise been sold) "should be appropriated agreeably to the charter of the towns."

The case of Concord is so interesting that I give it in the language of the town records:²⁸

March, 1777: "Voted to reconsider the former vote of this parish passed March the 7th. 1775, for leasing the eighty acre lot, belonging to the school right to Oliver Hoyt for 900 years, He paying the parish \$6 yearly and it is hereby voted that instead of said Hoyt paying the parish \$6 annually, the selectmen are directed to receive of said Hoyt \$100 in full consideration for said lot and give said Hoyt a full discharge." And immediately following, "voted that the selectmen be directed to lay out the \$100 which they shall receive of Oliver Hoyt for the eighty acre lot belonging to the school right, for a town stock of ammunition."

Somewhat aside from our main inquiry, a vote of the town of Chester²⁹ may throw some light on the way in which proprietary lands came to be donated to school and other public uses. This

²⁵ Bemis. *History of Marlborough*, p. 143.

²⁶ *History of New Boston*, pp. 148-149.

²⁷ *History of Dublin*, p. 244.

²⁸ *Town Records of Concord*, p. 153.

²⁹ *History of Chester*, p. 274.

was one of the earlier towns, whose charter evidently did not make the reservations which later became customary. In 1721 the town, "Voted, that—the next proprietor that shall forfeit his lott, the same shall be appropriated for a school."

(d) *Vermont.*

When we come to Vermont our evidence is far less satisfactory. Out of a total of sixteen towns, all but two of which had school rights, the histories account for these rights in only seven cases. Of these one, Guildhall,³⁰ rented its school lands in 1799 at the rate of \$2 per acre (valuation), on which six per cent. interest per annum was collected down to 1886. Montpelier³¹ leased one division of her lands in 1795, at the rate of 1s 5d per acre.

In Middlebury³² the rent of the school land is said to have been \$119 about 1856. In three other towns the lands were leased; the amount paid in one instance³³ yielding an annual income of one hundred dollars.

In the case of the town of Salisbury,³⁴ it appears that the intent of the charter was defeated by the proprietors, who laid out a part of the school right on the mountain, where the lands were worthless.

³⁰Chamberlain, *History of Guildhall*, p. 101.

³¹Thompson, *History of Montpelier*, p. 69.

³²*History of Middlebury*, p. 369.

³³See *History of Bradford*, p. 69.

³⁴Weeks, *History of Salisbury*, p. 43.

APPENDIX II.

NOTES ON THE CONNECTICUT INFLUENCE IN PENNSYLVANIA.

The first settlements of Connecticut people in Pennsylvania were made under the auspices of the Susquehanna Company, about 1769. "At a meeting of the Susquehanna Company held at Hartford, Connecticut, 28th December, 1768, it was voted to lay out five townships of land within the purchase of said Company, on the Susquehanna, of five miles square each; that the first forty settlers of the first town settled, and fifty settlers of each of the other towns settled, shall divide the towns among themselves; reserving and appropriating three whole shares or rights in each township, for the public use of a Gospel Ministry and schools in each of said towns; and also reserving for the use of said Company, all beds and mines of iron ore and coal that may be within said townships.

"It was also voted to grant to Dr. Eleazer Wheelock, a tract of land in the easterly part of the Susquehanna purchase, ten miles long and six miles wide, for the use of the Indian school under his care; Provided, he shall set up and keep said school on the premises."

The Indian school was not planted. Wheelock went to New Hampshire and founded Dartmouth. The lands to be reserved in each township were laid out as intended, and "in a general way the whole was set apart for school purposes, but in a number of instances land was voted for the support of Ministers of the Gospel. The funds arising from the sale of these lands were not husbanded as they might have been, but in some townships they still exist and are used for the benefit of the public schools. The schools as well as other local affairs were managed, as in New England, by a general town meeting.

"This system substantially continued in operation in the Wyoming region up to the time of the adoption of the common school system in 1834, when, with little change and no disturbance, it was merged into it; and, as the nearest approach to our modern public schools of any class of schools then known in Pennsylvania, it had considerable influence in shaping the school legislation which culminated in the act of 1834. It was Timothy Pickering of Luzerne who, in the Constitutional convention of 1790, secured the adoption of the article on education upon which was subsequently based the whole body of laws relating to common schools in Pennsylvania, up to the year 1874; and by so doing saved the convention from the threatened danger of committing itself to a much narrower policy."³⁵

³⁵Wickersham, *History of Education in Pennsylvania*, pp. 74-77. The portion starred is quoted by Wickersham, page 75, but no citation is given to show its origin. See on Pickering's work in the convention, *Ibid.*, pp. 255-260.

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NO. 100

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**THE KING'S HOUSEHOLD IN ENGLAND BEFORE THE
NORMAN CONQUEST**

BY

LAURENCE MARCELLUS LARSON

**A THESIS SUBMITTED FOR THE DEGREE OF DOCTOR OF PHILOSOPHY
UNIVERSITY OF WISCONSIN
1902**

*Published bi-monthly by authority of law with the approval of the Regents
of the University and entered at the post office at
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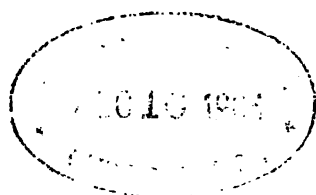
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The University

PREFACE.

This study was undertaken at the suggestion of Professor Charles H. Haskins, now of Harvard University. Professor Haskins has followed the work through all its various stages, including that of proof-sheets, and to him first and most of all do I wish to express my thanks for continued assistance and generous encouragement. To Professor F. G. Hubbard I am indebted for assistance in various ways, especially on the Old English side of the work; to Professor Julius E. Olson for placing at my disposal his Norse library and otherwise helping me to secure the necessary literature; and to Professor Charles Gross of Harvard University for criticisms and suggestions after the work had reached the manuscript stage. I also owe much to the assistance of my wife, Lillian May Larson, whose hand has helped in the preparation of almost every page. Further I desire to express my appreciation of the many courtesies extended to me by the library staffs of the Wisconsin Historical Society and of the University of Wisconsin while pursuing my investigations. My thanks are also due to the authorities of Harvard University Library for the use of books not obtainable here.

LAURENCE M. LARSON.

Madison, Wis., Aug. 3, 1904.

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ABBREVIATIONS.

- A.-S. Chron.: Anglo-Saxon Chronicle. (Thorpe.) 2 vols. London, 1861.
- Beow.: Beowulf.
- Bibl. der ang. Poesie: Bibliothek der angelsächsischen Poesie. (Grein; later edition by Wülker.) 3 vols. Cassel, 1883-98.
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THE KING'S HOUSEHOLD IN ENGLAND BEFORE THE NORMAN CONQUEST.

CHAPTER I.

THE PROBLEM AND THE SOURCES.

The importance of the king's household as an element in the social and political life of a nation has always been considerable. In earlier days, as the center of culture and the home of power, the royal court exerted a directing influence that was felt to the farthest limit of the kingdom and often beyond. In the shadow of the king's house creed and custom grew to strength and maturity, dialects rose to the dignity of language and the beginnings of letters, learning and art received a sheltering care. It is not long since the final word on all political matters was spoken in the king's council-chamber; and even in these days of organic laws and parliaments the influence of the royal surroundings on the determination of state policies is not to be wholly ignored. During the middle ages, when the royal court and the central administration were practically the same thing, this influence was particularly potent. However, as government in the later centuries became more highly organized and was differentiated from the court, the importance of the palatine service naturally declined. New institutions developed and replaced the crude creations of the earlier age; still, many of these, when followed back to their origins, will be found to have historic connection with the royal court.

It is my purpose to present in the following chapters a study of the king's household in early England,—to show, as far as

possible, the lines of development, the causes of changes, the sources of innovations, and the successive periods of growth. The work naturally begins with the earliest historic period of Teutonic Britain and properly closes with the passing of the Saxon dynasty. The field of research can be most conveniently divided into four sections, corresponding to the four periods of Old English history: the time before Alfred, when the country was still divided into petty kingdoms; the period from 871 to 1015, or, in a general way, the tenth century; the Danish period; and the reign of Edward the Confessor. In discussing the sources, however, no distinction need be made between those of the third and fourth periods as they are of much the same character and may be considered under one head, as eleventh century documents.

Of the sources antedating Alfred's accession the charters and the laws claim the greatest antiquity. In Kemble's collection of Anglo-Saxon charters¹ there are sixty-two documents that are referred to the seventh century. Unfortunately nearly all of these are forgeries; of the sixty-two only eleven have satisfied Kemble as to their genuineness,² and in all probability a closer examination would reduce this number considerably. In justice to Kemble it should be said that his criticisms generally appear so just and so conservative that one who uses his work hesitates to question his authority. Yet, I am unable to see how he could have passed the first document in his collection without at least expressing a doubt. As the charter has no signatures we have to depend wholly on the text in investigating it as to authenticity. The grant has the boundaries given in the vernacular,³ in a sentence of good normal West-Saxon which might have been written in the tenth century. That such could have been the language of Kent in the days of Augustine is simply unthinkable. There seems to be no authentic charter before the last quarter of the seventh century. Birch, in his *Cartularium Saxonicum*, has introduced a number of documents of ecclesiastical origin which belong to the seventh century. But while these have their value it

¹ *Codes Diplomatiques*.

² Nos. 1, 12, 16, 19, 27, 32, 35, 36, 43, 47, 995. Kemble thinks the oldest document in his cartulary (dated 604) is genuine, but marks the following ten as suspicious, thus finding but one genuine charter before 676.

³ *Hic est terminus mei doni: fram subgeate west, andlanges wealles oð north-lanan to stræte, and swa east fram stræte oð doddinghyrnan ongean bradgeat.*

is not as native English sources reflecting Saxon life and institutions: they are mainly papal letters, valuable to the student of institutional history only when they presuppose English sources and conditions.⁴ Furthermore, we cannot know whether we possess them in their original form. Many are from the writings of Bede and other churchmen who may or may not have copied them accurately. And if they have been summarized rather than transcribed, they are for our purposes of no more ancient authority than other statements by the transcriber.⁵

The case of the Old English laws differs somewhat from that of the charters. Their beginning is usually referred to the reign of Æthelbirht. While we cannot know whether this king issued any charters, we have good reason to believe that he mended the laws. Bede tells us that Æthelbirht, following the example of the Romans, established laws; he adds that these were in force in his own day and that they were written down in the speech of the Angles.⁶ The Kentish dooms have come down to us in a manuscript of the twelfth century.⁷ As this was produced more than five hundred years after the time of Æthelbirht, we have good reason to doubt whether we possess these laws in their original form. What language was used when they were first put to writing we cannot know, though Bede informs us that an Old English version existed in his day.⁸ If we assume that they were originally written in the Kentish dialect, we are met by the question, to what extent was the phraseology changed when they passed into their present form? The language is archaic, but not sufficiently so to remove all doubts. The same question arises if we assume a Latin original and a later translation into Anglo-Saxon toward the close of the century. If the present version is based on such a translation the value of these laws for present purposes would be greatly reduced. Our work deals

⁴For ecclesiastical documents see especially the great compilation of Haddan and Stubbs: *Councils and Ecclesiastical Documents Relating to Great Britain and Ireland*. 8 vols. Oxford, 1869-78.

⁵Birch has published a number of charters that are not found in Kemble's *Codes*. Many of these are, however, of a decidedly suspicious character.

⁶*H. E.*, II, 5.

⁷Schmid, *Gesetze*, XXX.

⁸Alfred understands Bede to say that the King ordered the laws to be drawn up in the Kentish language ("and 5a het on Englisc awritan") but such is not a necessary interpretation of Bede's language: "quae conscripta Anglorum sermone hactenus habentur et observantur." *H. E.*, II, 5.

largely with terms and the great problem is to fix their significance for this or that particular period. The changes that occurred in the Germanic dialects during the middle ages were of far-reaching consequence in the world of language. Many terms that suffered no external change might express several wholly different ideas in the space of a few centuries. The same lack of stability appears in the Latin of the age: almost any official or man of prominence might be called a *princeps*; and this term might again be rendered differently by a Saxon translator, *eþeling*, *ealdorman*, *eorl* and *gesip* being possible renderings. From a study of the probabilities of the case I conclude, that the terminology of the Kentish laws can hardly belong to a period much earlier than the close of the seventh century.⁹ This conclusion especially affects the dooms of Æthelbirht. But the substance of these laws evidently belongs to a very early period and may be much older than the language of the versions that have come down to us.¹⁰

The narrative Latin prose of this period dates from the beginning of the eighth century. Bede's Life of Saint Cuthbert¹¹ is one of our earliest sources, but an anonymous life of the same saint was written a few years earlier, about the year 700.¹² The titles, character and value of Bede's works are so well known that I refrain from enumerating or discussing them at length.¹³ Alongside of Bede's writings the student of early English culture would place Eddi's Life of Wilfrid,¹⁴ a semipolemic biography from about 710. The very fact that it was written by a partisan makes it valuable, as it thus shows the active forces of culture in a stronger and clearer light.

The chroniclers and encomiasts can, as a rule, in institutional

⁹Schmid (*Gesetze*, XXXI) and Sievers (Paul und Braunes *Beiträge*, XII, 173-174) believe the language of Æthelbirht's laws to be such as was spoken in Kent in the days of that king.

¹⁰The Anglo-Saxon laws are found in the following collections:

Thorpe, *Ancient Laws and Institutes of England*. 2 vols. London, 1840.

Schmid, *Die Gesetze der Angelsachsen*. Leipzig, 1858. Cited as *Gesetze*.

Liebermann, *Die Gesetze der Angelsachsen*. Halle, 1898-99. Cited as *Gesetze*.

¹¹Venerabilis Bedae Opera (Stevenson). London, 1841.

¹²*Ibid.*, II, 259-84.

¹³The *Historia Ecclesiastica* has been several times edited, as have Bede's other works. See Gross, *Sources and Literature of English History*, 180-81, 216. My citations are from Stevenson's edition of Bede's works published by the English Historical Society.

¹⁴*Hist. York*, I.

matters be regarded as speaking for their own generation only. Rarely, as when sources are quoted verbatim, can we trust them for earlier times. But when we approach the poetic memorials of the age, we meet a wholly different problem. It is usual to speak of two periods of Old English literature:¹⁵ the Anglian, which may be said to close about the year 800, and the Saxon, beginning with Alfred's reign.¹⁶ Scholars have, in general, come to an agreement as to which period the various works are to be assigned. The specifically Biblical poems seem to belong for the most part to the earlier age. When the earliest was produced cannot be known. Christianity came to Kent in 596, and about thirty years later it got a foothold in Northumbria; but we should not expect the poets to become immediate masters of the poetic materials of the new faith. We may reject the legend as to how Cædmon was endowed with the gift of song, but the essential facts seem reasonable. Cædmon is said to have died about 680; he became a poet in his old age. So far as we know, then, Christian poetry arose among the Angles some time during the last quarter of the seventh century. For institutional purposes we may consider it as reflecting the life of the eighth.¹⁷

Our most important poetic sources are, however, not Christian. There are in Old English literature a few brief poems of a lyric or heroic nature, which point to a purely Teutonic origin.¹⁸ With these we should class, perhaps, the greater part of Beowulf.¹⁹ These afford us glimpses of the life in camp and court; they show us the *comitatus*, not as a mere memory but as a vital fact. How far back in time these can be placed is uncertain; but it seems to me they must have been produced and have become current before Christianity became a dominant influence. At the very latest, they must be placed before the middle of the seventh century. These poems, as the bearers of the old-Odinic culture, as the mem-

¹⁵On matters of date and authorship of Anglo-Saxon writings, see Wülker, *Grundriss zur Geschichte der angelsächsischen Literatur*. Leipzig, 1885. Cited as *Grundriss*.

¹⁶During the intervening century, the period of the viking invasions, culture in the form of literary productions was apparently extinct.

¹⁷The best collection of Anglo-Saxon poetry is Grein's *Bibliothek der angelsächsischen Poesie*. The most recent edition of this is by R. P. Wülker. 3 vols. Cassel, 1883-98.

¹⁸The poems I refer to are *Widsith*, *The Fight at Finnsburg*, *Deor's Lament*, *The Wanderer*, *The Seafarer*, *The Wife's Complaint*, and *The Husband's Message*. It seems likely that some of the *Riddles* are also rather ancient.

¹⁹My references are to Wyatt's edition of *Beowulf*. Cambridge, 1898.

ories of the age before the coming of history, should be considered as a separate group of sources. It is true, they are interpolated to some extent, but the intruding lines are usually not difficult to detect.

Intimately related to these in metrical form, in legendary foundation and in elements of reflected culture, are the Eddic poems of the North. I have used these to some extent to illustrate the institutional life of earliest England,²⁰ so far as we are able to know it, but it may be necessary to say a word in justification of using them for such a purpose. The study of the runic inscriptions of the North has fixed the limits of a period within which we must place the rise of the Eddas, at least in the form in which the poems have come down to us. For linguistic reasons they cannot be older than the year 800; for religious reasons their period of origin cannot pass the year 1000. Thus these poems are at least two centuries younger than the Anglian lyrics of the heroic age. It must be remembered, however, that Teutonic civilization lived on in the North as nowhere else. No Roman soldier ever trod as a conqueror north of the Baltic. Roman missionaries never came to Norway. Feudalism never got a real foothold in Scandinavia. The influence that came in with commerce, though important, could not have produced any sweeping changes. Most important was the influence that resulted from the viking raids and the consequent contact with southern peoples. But, on the whole, it can safely be said that Teutonic civilization was permitted to develop along its own lines for nearly four centuries after its growth was checked in England by Saint Augustine's mission. Thus it came to pass that the Germanic race revealed itself most clearly and fully in the pre-Christian poetry of the scalds. This expresses the life of a kindred people in much the same stage of development as the English in the seventh century, and it is the poetry not only of a kindred race but of a people with whom the Angles were in almost constant contact from the close of the eighth century or earlier.²¹

²⁰The Old Norse poems have been collected and edited by Vigfusson and Powell in *Corpus Poeticum Boreale*. This work has convenient and fairly accurate translations of most of the poems and I have frequently quoted these in preference to the originals. The Eddic poems are in vol. I.

²¹The occurrence of the word viking in an eighth century gloss (see Sweet's *Oldest English Texts*, 84, *uicing sceadan*) and still earlier in *Widsith* (ll. 59 and 80) leads me to think that the Norse incursions antedate 787, the year given in the *Chronicle* as the time when the Norsemen first visited Wessex.

In nearly all the Anglo-Saxon sources, even after the question of chronology has been disposed of as far as may be, there remains the difficulty of interpretation. The same is largely true of the Latin writings, but a careful comparison of contemporaneous works and a study of Anglo-Saxon translations in the Glossaries²² and the works of Alfred and his associates²³ will generally enable us to fix the value of Latin expressions with comparative definiteness. But the problem in the interpretation of Old English poetry is of a different sort: how are we to determine whether a word contains the idea of an actual living institution or of a fossilized one? Germanic poetry makes great use of epithets, largely of a metaphoric character.²⁴ Many of them are such as would appear in the verses of any age, but some have institutional origins; in these a great deal of genuine history is bound up. When the epithet was first used, the component parts, as well as the resulting whole, doubtless represented living realities. A good example of this is the frequently used 'kenning' *eorla dryhten*, lord or leader of warriors, most likely of noble warriors. In the society described in *Beowulf*²⁵ this expression certainly had a meaning; but it is also used by the Chronicler in describing the Battle of Brunanburh in the tenth century, when both the *eorl* and the *drihten* of older days had long belonged to the past; thus while the kennings doubtless contain a good deal of hidden history, it is a history without chronology and without perspective. At times the context gives valuable assistance; but usually we must look elsewhere for light, and the question becomes one of pure linguistics.

Among the sources of this period should also be included the West Saxon laws of Ine and for some purposes those of Alfred. The former date from the early part of the eighth century; but we know them only in the form in which they were reënacted by Alfred one hundred and fifty years later. We may assume that they are in substance the laws that Ine promulgated;²⁶ but to

²² Collected by Thomas Wright in *Anglo-Saxon and Old English Vocabularies*. Wülker's edition of these Vocabularies is the one cited in this study.

²³ See *Bibl. der ang. Prosa* (Grein); also the publications of the Early English Text Society.

²⁴ These were called *kenningar* by the Icelandic poets who carried the use of them to an absurd extent.

²⁵ 1050 et passim.

²⁶ Alfred did not reënact all of Ine's laws. The rest are not extant.

claim that the language has been in every case retained, would not be safe. Whenever the question becomes one of terminology and the use of particular phrases, these laws should be treated as belonging to the age of Alfred.²⁷

From the tenth century, the true Anglo-Saxon period, we have an excellent body of sources, though they are not so good on the subject of the royal court. The reason for this is that the great mass of the literature of that day was produced in monasteries by men who were not interested in the details of court organization. If the king's household in the tenth century had also been a literary center, we should probably know more about the royal surroundings than we do. As examples of the monastic literature of that age may be mentioned the exceedingly important biographies of Saints Dunstan²⁸ and Oswald.²⁹ The Anglo-Saxon Chronicle also belongs to this class. This great source begins in Alfred's reign, and, though very important for earlier history in other respects, as a source of institutional history it cannot be trusted for the period before the reign of Alfred.³⁰ In addition to the Chronicle there is a large body of Old English prose, most of which may be called ecclesiastical. This comprises, among productions of less note, the works of Alfred and his assistants,³¹ the Blickling Homilies,³² the so-called Homilies of Wulfstan³³ and the writings of Ælfric,³⁴ the great master of Old English prose. As these are mainly translations or paraphrases they are often sources of great perplexity, as we cannot know whether the institutions they allude to are native or not. A large body of laws has come down to us from this period and also a

²⁷ Cf. Schmid, *Gesetze*, XXXVII, where a different opinion is expressed; also Steenstrup, *Daneshlag* (Copenhagen, 1882), 51.

²⁸ *Memorials of St. Dunstan* (Stubbs). London, 1874.

²⁹ *Hist. York*, I.

³⁰ The chroniclers naturally translated the language of their sources into the idiom and terminology of their own day. Hence the allusion to an institution as existing several hundred years before Alfred merely proves that it existed when the Chronicle was composed.

³¹ See *Bibl. der ang. Prosa* and the publications of the Early English Text Society.

³² Edited by Morris and published by the Early English Text Society.

³³ Wulfstan: *Sammlung der ihm zugeschriebenen Homilien* (Napier). Berlin, 1883.

³⁴ *Homilies of Ælfric* (Thorpe). 2 vols. London, 1844-46. Ælfric Society. *Ælfric's Lives of Saints* (Skeat). 2 vols. London, 1881-1900. Early English Text Society. *Bibl. der ang. Prosa*, III. *Angelsächsische Homilien und Heiligenleben*.

considerable number of charters. Some notable poems were produced in this age, though poetic activity was not so great in the tenth century as in the eighth. Asser's biography of Alfred³⁵ also belongs to this period.

Of the eleventh century sources we need consider only such as differ essentially from those of the preceding periods. The great histories that were produced soon after the Conquest, such as Florence of Worcester's *Chronicon*³⁶ and William of Malmesbury's *Gesta*,³⁷ now begin to be useful. They are, indeed, not from the Saxon period, but there can be no doubt that the authors had access to earlier sources that have since perished. Another exceedingly important source dating from Norman times is Domesday.³⁸ As the Survey gives the names and titles of the principal land-holders of Edward's day, we are able to determine to a great extent who the royal officials of that reign were and in what relation they stood to the king. The *Gesta Cnutonis*³⁹ is of particular importance for matters relating to the Danish invasion. But the sources that need to be specially noticed are the Norse poems and sagas and the early Danish histories.

Of Danish histories I have used the *Lex Castrensis* by Svenno Aggonis⁴⁰ and Saxo Grammaticus' *Gesta Danorum*.⁴¹ Svenno's work is an account of the origin of Cnut's famous guard of house-carles, its governing laws, and the changes that had taken place in these. Svenno was the earliest Danish historian and flourished in the second half of the twelfth century. He claims merely to have translated from an earlier account in the vulgar idiom, the authorship of which he attributes to his friend and superior, the famous bishop Absalon of Lund, who obtained his information from King Cnut, the son of Waldemar I.⁴² As Cnut reigned

³⁵*Monumenta Historica Britannica* (Petrie). 1848. Cited as Petrie's *Monumenta*. For Asser's work see pp. 467-98. Stevenson, *Asser's Life of King Alfred*. Oxford, 1908. The credibility of Asser's biography is discussed in Plummer's *Life and Times of Alfred*. Oxford, 1902. Cited as *Alfred*.

³⁶*Florentii Wigorniensis Chronicon et Chronologi*.

³⁷*Wilhelmi Malmesburiensis de Gestis Regum Anglorum* (Stubbs). 2 vols. London, 1887-89.

³⁸*Domesday Book*. London, 1783-816.

³⁹*Gesta Regis Cnutonis* (Perts). Hanover, 1865.

⁴⁰Published by Langebek in *Scriptores Rerum Danicarum*, III.

⁴¹Cited as *Saxo*. The references are to Holder's edition. Strassburg, 1886.

⁴²There has come down to us a fragment in Middle Danish usually known as the *Wetherlogh*, which may be a copy of the document from which Svenno made his translation. But the oldest extant manuscript is of the fourteenth century,

from 1182 to 1202 the bishop must have produced his summary of the guild-laws some time during the last quarter of the twelfth century.⁴³ Saxo's treatment of the same subject is doubtless an amplification of the same material that Svenno made use of; on important points there is no disagreement between the two accounts. But it is always necessary to distinguish between Saxo's statement of a fact and his explanation of the same; and in his ornate and somewhat pompous Latin there is a good deal of ambiguity.⁴⁴

The distinctly Norse sources are poems and sagas. Of course the former are by far the more valuable, as there is every reason to think that they are contemporary with the events alluded to. Unfortunately we have but a few fragments of the court poetry of the eleventh century that can be used in a study of this sort. To what extent the sagas may be used for historic material is a much discussed question that cannot be fully dealt with here. All depends on the nature of the saga, the sources used, the date of composition and the time of the events recorded. The sagas dealing with events after 1100 have all the presumption in their favor; those professing to deal with earlier periods may properly be questioned. The saga is a sort of historical romance told in a terse, simple style which is peculiar to this form of literature. In a sense it is based on tradition, but not on tradition as that word is commonly understood. The *Njaal's Saga* furnishes abundant illustration of how carefully certain matters were committed to memory and with what precision as to form the unwritten legal documents had to be reproduced.⁴⁵ The historic sagas are generally based on scaldic verses and these are frequently quoted in the text. The scald was a professional his-

and, though it agrees in the main with the *Lex Castronsis*, we cannot be sure that it is a copy of Absalon's work. See Holberg, *Dansk Rigshistorie* (Copenhagen, 1889), 22, 38. Holberg believes that aside from a few minor interpolations the *Witherlogh* is substantially the work of the great bishop.

"It is of course possible that Absalon may have written his account before Cnut became king; but Svenno's translation cannot be placed earlier than 1182, nor can it have been produced much later, as Saxo, who probably survived Svenno, is thought to have died in 1204.

"For further discussion of the Danish sources see chapter VII.

"See the *Story of Burnt Njaal* (Dasent's translation). Edinburgh, 1861. It may be objected that the *Njaal's Saga* is largely fictitious; but even if this be granted, the story still shows what the age demanded in the way of memorizing laws and formulas.

torian: his task was to single out the great events in the career of his patron and tell them in song at the great festivals and on other occasions.⁴⁶ The internal evidence of the sagas themselves is sufficient to show to what a great extent these verses were used in the composition. In addition we have Snorre's testimony: 'At King Harold [Fairhair's] court⁴⁷ there were scalds, and men still know their lays as well as the lays sung of the kings that Norway has had since that day. And we have trusted most to those things that are told in the songs that have been sung in the presence of the chiefs themselves or of their sons. . . . For it is the custom of the scalds to praise him the most in whose presence they are, but no one would dare to attribute to him deeds that he had never performed; for all who heard it would know that it was mere fable and fiction, and there would be mocking rather than praise in that.'⁴⁸

It has been my purpose to use sagas only where they find support in documents more nearly contemporaneous and refer to institutions concerning which something might be known in the North.⁴⁹ Such an institution is the corps of house-carles, which, though in a sense peculiarly English, was Norse in spirit and perhaps also in form and origin. On the whole, however, on the subject of English institutions the sagas cannot be said to throw very much light.

Turning from the sources to the writings of modern historians, we shall find but few that present more than a superficial view of the English court. The subject is treated in nearly all the general works on English history, but the discussions are usually brief, sometimes limited to a few lines, and rarely show that the author has made an independent study of the sources.⁵⁰ The

⁴⁶The list of these singers is a formidable one: Finnur Jonsson has collected the names of more than one hundred, of whom some, indeed, are mythical. Jónsson, *Den oldnorske og oldislandske Litterature Historie*. Copenhagen, 1894-1901. Cited as *Litteraturhistorie*.

⁴⁷Harold ruled according to generally accepted accounts from 860 to 980.

⁴⁸Preface to *Heimskringla*. Snorre's dates are 1178-1241.

⁴⁹In this study I have made some use of the *Knytingasaga* and the *Jomsvikingsaga*. These are placed among the later compilations; but as there are several versions of the latter differing materially in language, it is thought that they must all have been based on some earlier work not extant. See Jónsson, *Litteraturhistorie*, II, 664.

⁵⁰As these works will be frequently cited in the following chapters, no page references are given at this point.

earlier writers like Palgrave⁵¹ and Lappenberg⁵² display a very uncritical use of documents, particularly of charters, and their conclusions are not to be relied on. By far the best work is that of Kemble;⁵³ indeed, it can hardly be said that the discussion has been advanced much since his day. Kemble's conclusions are frequently mere conjectures, but in his conjectures he often comes surprisingly near the truth. Stubbs,⁵⁴ Freeman,⁵⁵ and Green⁵⁶ apparently follow Kemble. Freeman seems to have made an extensive study of the sources on this subject, but his efforts do not always lead to results and his interpretations are often incorrect. Green has a comparatively long discussion of the king's household in Saxon times, but the whole seems more like the product of imagination than of sober study. Ramsay's treatment of the subject is more satisfactory, though meager and open to criticism on several points.⁵⁷ There are also a few writers who, though they do not discuss the general question, give valuable information on some particular phase of it. Such are the studies in Anglo-Saxon society by Earle,⁵⁸ Leo,⁵⁹ Maitland⁶⁰ and Seebohm.⁶¹ Of great value are also the discussions of general Germanic society in the works of Brunner,⁶² Müllenhoff,⁶³ von Maurer⁶⁴ and Waitz.⁶⁵ Some of Round's essays⁶⁶ are also useful. Plummer's *Life of Alfred* is particularly important for his discussion of the literature belonging to the reign of that king.

Writers on Scandinavian history, especially students of the viking age, find frequent occasions to deal with Anglo-Saxon problems. First among these should be mentioned the Norse

⁵¹ *The Rise and Progress of the English Commonwealth*. London, 1832.

⁵² *History of England* (Thorpe's translation). London, 1881.

⁵³ *Saxons in England*.

⁵⁴ *Constitutional History of England*.

⁵⁵ *Norman Conquest*.

⁵⁶ *Conquest of England*.

⁵⁷ *The Foundations of England*.

⁵⁸ *Land Charters and Saxon Documents*. Oxford, 1888.

⁵⁹ *Rechtsgeschichte Singularum Personarum*. Halle, 1842.

⁶⁰ *Domesday Book and Beyond*. Cambridge, 1897.

⁶¹ *The English Village Community*. London, 1884. Also *Tribal Custom in Anglo-Saxon Law*. London, 1902.

⁶² *Deutsche Rechtsgeschichte*.

⁶³ *Deutsche Altertumskunde*, IV. Berlin, 1900.

⁶⁴ *Hofverfassung*. Erlangen, 1862.

⁶⁵ *Deutsche Verfassungsgeschichte*.

⁶⁶ *Feudal England*. London, 1895. Also his discussion of the Officers of Edward the Confessor in *Eng. Hist. Rev.*, XIX, 90-92.

historian Munch,⁶⁷ whose knowledge of the later centuries of the middle ages was so extensive that his opinions are not to be lightly disregarded. The question of Danish influence on Old English institutions has been made the subject of a series of special studies by Johannes C. H. R. Steenstrup, who views the problem from the Scandinavian side, and whose conclusions frequently differ from the opinions commonly held. In the main, however, they are sound, and Steenstrup's writings, especially his volume on the Danelaw,⁶⁸ are of great value to the student of English constitutional development.

While the effort has been to look at the royal household primarily from an English point of view, the possibility of foreign influences has been constantly kept in mind. The closing chapter is largely devoted to a comparison between the English court and related or contemporary households on the Continent. In studying the Continental courts I have made no extensive use of the sources, but have drawn for information on the works of Brunner, Keyser,⁶⁹ Luchaire,⁷⁰ Viollet⁷¹ and Waitz. Owing to lack of space this comparison has been carried out along the more general lines only; but enough has been done, I believe, to indicate with some definiteness the position of the Old English court among its Germanic neighbors, what it owed and what it contributed to the royal households over the seas, and what it left as a heritage to its Norman successor.

⁶⁷ Munch's massive work, *Det norske Folks Historie*, is still the greatest source of information on Norse mediaeval history.

⁶⁸ *Danelag* (Normannerne IV).

⁶⁹ *Efterladte Skrifter*. 2 vols. Christiania, 1867.

⁷⁰ *Histoire des Institutions Monarchiques*. Paris, 1891.

⁷¹ *Histoire des Institutions Politiques de la France*. 2 vols. Paris, 1890-98.

CHAPTER II.

THE EARLIER COMITATUS IN ENGLAND: THE GESITH.

The history of the royal household begins with the history of kingship. Between these two institutions there is an essential and intimate relation which is too obvious to need discussion. Not only do they correspond as to origin, but also as to nature and course of development. Early Teutonic kingship was primarily of a military order; first of all the king was a war-chief.⁷³ It is natural, then, that his immediate surroundings should partake of the same martial character. Close to the royal person stood a band of chosen warriors, bound by the most solemn pledges to defend their lord and to die with him if he fell as a hero should. This was the *comitatus*, the earliest princely household among the Teutonic peoples.⁷⁴

This peculiarly Germanic institution seems to have reached its full development, in a military sense, as early as the times of Tacitus. Its subsequent growth was generally away from the original idea. The privilege of maintaining a *comitatus* was not limited to the king; it was shared by the *principes*,⁷⁵ at least till after the period of the migrations. Perhaps the institution is also much older than kingship. Snorre tells us that the kings 'were formerly called *drottmar*, their wives *drottningar* and their household *drott*.'⁷⁶ Analogous terms are found in other Germanic dialects with much the same significance. Parallel to the Old

⁷³Cf. von Amira, *Recht*, in Paul's *Grundriss*, II, 2, 126.

⁷⁴It is not the purpose of this chapter to present a discussion of the *comitatus* in general, but to trace, as far as can be done, the further development of the institution after its introduction into England. For the general subject see Brunner, *D. R. G.*, I, 136-43; Müllenhoff, *Deutsche Altertumskunde*, IV, 255 ff.; Sars, *Udsigt over den norske Historie*, I, 95 ff.; Stubbs, *C. H.*, I, 22 ff., 166, ff.; Waits, *D. V. G.*, I, 236 ff., 371-401.

⁷⁵Tacitus, *Germania*, 18.

⁷⁶*Ynglingasaga*, 20.

Norse *drottinn* is the Anglo-Saxon *drihten*; both are archaic remains frequently found in poetry though seldom in prose. In both the *dominus* idea is always present;⁷⁶ but that they originally had a martial coloring appears from the meaning of related Gothic words, all of which relate to warfare.⁷⁷ We can hardly escape the conclusion that *drihten* originally meant a war-lord.

The use of such an expression as *eorla drihten*,⁷⁸ lord of earls, which often occurs in Old English poetry, might lead us to conclude that the members of the *comitatus* were once called eorls. The word *eorl*, or some related form is found in several of the Teutonic dialects, sometimes used in the sense of man,⁷⁹ sometimes signifying a royal official corresponding to the mediaeval *comes*,⁸⁰ but more frequently suggesting a member of the martial aristocracy.⁸¹ The last meaning, warrior, is the most common in the earliest Norse sources, of which the most important for present purposes is the Lay of Rígh, a poem describing early Northern society.⁸² It is the poet's purpose to glorify kingship, the new Norse kingship of Harold Fairhair. To do this he describes and accounts for existing social classes of which there are three: thralls, churls and earls.⁸³ The oldest is Thrall (*þræl*). His fare is poor and his labor hard. Next comes Churl (*Karl*), who occupies a higher plane of culture and devotes himself to agriculture. Youngest is *Iarl*. 'His hair was yellow, his cheeks

⁷⁶Christian writers frequently apply them to the Lord, perhaps because they contain the fullest idea of personal relationship. See the so-called *Cædmon's Hymn*.

⁷⁷In Ulfila's Bible *ga-draughts* is used where the English version has soldier. From the same root are *draughtinassus*, *draughti-witoþ*, warfare and *draughtinon*, to make war.

⁷⁸See, for example, *Beow.*, 1050.

⁷⁹It frequently occurs with this meaning in the Old Saxon poem *The Holland*.

⁸⁰Thus in later Old English and Old Norse documents. See Cleasby and Vigfusson, *Islandic Dictionary*.

⁸¹In the Old Northern runic inscriptions (thought to be from the seventh century) the title *erilar* or *elrilar* occurs not infrequently; it is usually in apposition to the name of the one who caused the runes to be written. Bugge translates it war-chief. See Bugge, *Norges Indskrifter* (Christiania, 1891), 100 f.

⁸²*C. P. B.*, I, 235-42. As a document for the history of culture this poem is of uncommon value and interest. Finnur Jónsson, the most recent critic of Old Norse literature, believes that it dates from about 892. *Litteraturhistorie*, 186 f.

⁸³This division into three social classes, servile, agricultural and military, appears to be common to the Germanic tribes. See Paul, *Grundriss*, II, 2, 111 f. There are clear traces of it in Tacitus' *Germania*, especially in chapters 13, 14, 15, 24, 25, 26.

were rosy, his eyes keen as a young serpent's. . . . He began to brandish the linden [shield], to gallop his horse and fence with the sword. He began to waken war, to redden the field and to fell the doomed. He won lands; he ruled alone over eighteen households; he began to deal out wealth, and endow his people with treasures and costly things, with fine-ribbed steeds; he scattered rings and hewed great rings asunder [among them].⁸⁴ To any one familiar with Old English poetry, this description of the activities of the original *eorl* must seem familiar both in thought and in terms. The hall, the extended domains, the steed, the arms, the delight in warfare, the *comitatus* and the ring-giving are met with repeatedly in Anglian literature.⁸⁵ And it seems clear that the lay does not describe a mere warrior, but a Tacitean *princeps*, that is, a chief who surrounded himself with a company of youths.⁸⁶

As *eorl* is the Saxon equivalent of the Norse *iarl*, we should expect to find the significance of the two words to be the same. The evidence on this point is, however, not very satisfactory. With the word *eorl* that came in with the viking-raids, we have nothing to do; consequently, we are limited in our investigation to the very earliest sources, the heroic and Cædmonic poetry and the earlier legislation.

A striking peculiarity of Germanic law is the persistent use of alliterative formulas: 'sac and soc,' 'toll and team' will serve as examples of Anglo-Saxon usage. With these may be classed the rhyming formula *eorl and ceorl*. This interesting combination appears for the first time, perhaps, in the Laws of Alfred.⁸⁷ As there used, it suggests a classification of men, though not a very substantial one; it looks more like a fossilized survival of an earlier age.⁸⁸ Evidently the *earl* as a living fact antedates Alfred's code. But in the earlier Kentish laws he appears as an

⁸⁴Vigfusson's translation with slight changes (ll. 147-54).

⁸⁵So striking is the similarity that some have believed it must have been produced somewhere on the "Western Islands." See *C. P. B.*, *Introd.*, LXX; Bugge, *The Home of the Eddic Poems* (Schofield's translation), *Introd.*, XXV.

⁸⁶*Germania*, 13, 14.

⁸⁷*C.* 4, 2.

⁸⁸This supposition is strengthened by the fact that the same formula, 'churl's land and earl's land' is found in the *Grágás*, an old Icelandic law, the extant manuscript of which must have been written soon after 1217 (Vigfusson). But Iceland never had an *earl* or *iarl* before 1259. The phrase in this case is clearly a 'fossil.' See *C. P. B.*, *Introd.*, XL.

active reality.⁸⁹ The Laws of Æthelbirht clearly show us a double classification of freemen into earls and churls; the same is true of the dooms of Hlotar and Eadric. The earl enjoys a higher wergeld than the churl.⁹⁰ Higher protection is given to his home and his servants.⁹¹ It is manifest that the earls of early Kent constituted a privileged class.⁹²

It is also evident, as a study of the early Anglian poetry will show, that this aristocracy was of a military character. Its members lived in fortified strongholds, 'burgs,' while the common freeman had to be satisfied with a less pretentious enclosure, *edor*, about his buildings.⁹³ The king also lived in a *burh*.⁹⁴ Eorl is rarely used in the sense of man merely; at any rate the man is of an exalted station. But in almost every case the usage of the term suggests the *comitatus*; sometimes it is applied to the chief, sometimes to the members.⁹⁵ The patriarchs with their large households were looked on as eorls by the author of the Genesis.

⁸⁹The earliest of these is thought to date from the beginning of the seventh century. *The Laws of Hlotar and Eadric* are usually dated ca. 685.

⁹⁰*Laws of Hlotar and Eadric*, 1, 8. These dooms provide for the punishment of a serf (eane) who should slay a man whose wergeld was three hundred scillings, or one whose worth was only one hundred scillings. The ratio of the wergelds thus becomes one to three. In my interpretation of these chapters I follow Liebermann; Schmid and Thorpe have somewhat different renderings. Cf. Seebohm, *Tribal Custom in Anglo-Saxon Law*, 468.

⁹¹The honor of an earl's brel was worth twelve scillings; that of a churl's brel was valued at six. Slaughter in the earl's tun demanded a payment of twelve scillings; breaking into a 'man's' tun, half that amount. *Laws of Æthelbirht*, 13, 14, 16, 17.

⁹²With regard to the classes of early Kentish society, Seebohm concludes that the eorl stood on the same level as the later twelve-hynde-man of the Wessex laws, and that the earl consequently occupied a considerably higher plane than even the later thegn. *Tribal Custom in Anglo-Saxon Law*, 494-95.

⁹³See *Laws of Æthelbirht*, 27; fines for 'edor-breaking.'

⁹⁴*Ibid.*, *passim*.

⁹⁵In *Widsith*, which probably contains elements of greater antiquity than any found elsewhere in Old English poetry, eorl appears as a synonym for 'thæoden' which in its most general sense means chief, but in this case appears to mean king (11-13). In *Deor's Lament*, which is also of a very early date, the word is applied to the members of the lord's following (38), but also to Weland, one of the saga-heroes alluded to (2). In the next line Weland is said to have sorrow and longing as his 'gesiths': "hæfde him to gesibbe sorge and longað" (3). It is, indeed, possible that *gesith* here means companion merely; but it is more probable that the singer was thinking of the *comitatus* and the court. In the beautiful description of the ruined burg and the death of the doughty ones, the eorl is represented as 'hiding' his men in the grave. All are gone, the chief is the last survivor. *The Wanderer*, 77-84. The fair-haired queen in the riddle is the daughter of an eorl. *Riddle LXXVIII*. (No. 80 in Grein-Wülker.) In another riddle (IX), we are told that eorls live in burgs.

Especially is this true of Abraham,⁹⁶ and it must be admitted that three hundred and eighteen men make up a very respectable *comitatus*.⁹⁷

While the proof cannot be considered absolute, the evidence, such as we have it, points to the eorl as not merely a warrior but a lord of warriors in the peculiarly Teutonic sense.⁹⁸ The Norse parallels, the privileged position of the eorls in the laws, their princely position in the early poetry, the martial atmosphere surrounding the title, the fortress, the distribution of wealth—all these considerations support this conclusion.⁹⁹ Remarkable is also the ease and naturalness with which the title, after a long development away from its early Germanic significance, suddenly reappears in its original sense. With the Norse invasions of the ninth century the eorl resumes his ancient place. In the account of Alfred's wars we read of a number of eorls,¹ leaders of the enemy, Danish and Norwegian 'jarls.' But it will hardly do to call these vikings territorial barons: there is no evidence that such dignitaries existed among the Danes,² and in those very

⁹⁶Li. 1710, 1844, 1887.

⁹⁷Abraham's three confederates in the famous expedition for the relief of Sodom are also called eorls in the *Genesis* (2045). Cf. *Book of Genesis*, 14:22. Lamech was a ruler and an eorl (1228). Of Jared it is said that long afterwards he distributed gold to men; 'the eorl was noble, a pious hero, and the chief was dear to his kinsmen' (1181-88). Among other eorls the poet names Haran (1710), Lot (2086, 2444), Eber (1646) and Isaac (2766). Several other patriarchs bear the title in the *Höllenfahrt*. In *Asarikh* (181) Nebuchadnezzar is called an eorl.

⁹⁸For the subject of eorlship see Allen, *Essays and Monographs*, 293-99; Freeman, *N. C.*, I, 55-56; Kemble, *Sax. in Eng.*, I, 135-36; Lappenberg, *Hist. of Eng.*, II, 382; Stubbs, *C. H.*, I, 86; Waits, *D. V. G.*, I, 176-77. Nearly all these writers consider the eorls as forming an ancient hereditary nobility possessing certain valued privileges; especially is the possession of extensive lands emphasised. Lappenberg and Allen, however, deny this and hold that the eorls were officers appointed by the crown. Waits rejects the opinion expressed above that the eorl was a leader of a *comitatus*. *D. V. G.*, I, 177. Cf. Leo, *Rechtstudies*, 160.

⁹⁹Cf. Leo, *Rechtstudies*, 160, where a similar view is presented.

¹*A.-S. Chron.*, 871.

²Allen, in his contention that the eorl was an appointive magistrate, depends largely on supposed Scandinavian analogies. "It may be assumed therefore that the eorls of Kent were identical with the Jarls of Denmark and Norway. Now, the Scandinavian Jarls were not an hereditary class of noblemen, but were officers or magistrates appointed for life or pleasure." *Essays*, 294-95 Munch and Keyser are quoted as authorities. To this it should be remarked that while such is the opinion of these writers with regard to the situation in the later middle ages, Munch, at least, holds that there was a hereditary earlship in the early viking age. *N. F. H.*, I, 1, 111. See also Sars, *Udsigt over den norske Historie*, I, 135. As to the local government of early Denmark, all we can say is that it seems to have been in the hands of magistrates appointed by the king. Sars, *Udsigt*, I, 139.

years the 'jarls' of Norway were at home struggling for their independence against the conquering ambition of Harold Fair-hair.³ We shall have to regard the eorls of the Alfredian Chronicle as leaders of a personal following only, such chiefs as Snorre describes in another connection as 'sea-kings who controlled large forces but had no land.'⁴ However, when one of these vikings settled with his followers in a certain locality, his authority would become territorial. There were such rulers in the Danelaw all through the tenth century,⁵ but the eorl did not become an Anglo-Saxon official before the reign of Cnut.

While it doubtless was the privilege of the original eorl to maintain an armed following, we need not assume that all the members of this martial nobility made use of this right.⁶ The sources show, and most clearly, that the development was rapidly away from the *comitatus* in its primitive form. When we enter the period of true English history, the substance has largely passed away. Tacitus observes that warfare is a condition necessary to the existence of a large following,⁷ and this condition was probably present in Northumbria in the seventh and eighth centuries, but the same can hardly have been true of Kent.⁸ And even beyond the Humber the fortunes of earlship must have found an early decline. As we follow the line of the sources forward, less emphasis is placed on military prowess and continuously more on wealth.⁹ By the close of the seventh century the term eorl has practically disappeared from the legal sources,¹⁰

³The period of the consolidation of Norway is generally given as 864-74.

⁴*Ynglingasaga*, 34. Snorre adds that 'he alone was thought to have full right to be called a sea-king who never slept under sooty rafter and never drank at the corner of the hearth.'

⁵In 949 three eorls with Danish names, Urm, Uhtred and Scule, signed one of Eadred's charters. *K. C. D.*, No. 424. Apparently two other eorls, Andcal and Grim, are also among the testes.

⁶Such might be called eorlcund. In the *Laws of Æthelberht* (75) there is mention of eorlcund widows. Fines for slaying eorlcund men are specified in the dooms of *Hiotar and Eadric* (1).

⁷*Germania*, 14.

⁸The limited area of this state and its relative freedom from invasions, except as it might be attacked by its Mercian or Saxon neighbors, could not be conducive to the continuation of such establishments.

⁹Even such an unwarlike man as Lot is called an eorl by the author of the *Genesis*, who probably had his possessions and his lineage in mind.

¹⁰The term eorlcund is used in *Hiotar and Eadric's* laws; but in *Wihtræd's* legislation, which is supposed to date from the following decade, *geothcund* is used instead (c. 5). The word eorl appears rarely in the Wessex laws and then only in formulas. The eorl of the tenth and eleventh century documents

gesith and gesithcund taking its place. In the poetry of the period this change in terminology is not so noticeable. The two titles, eorl and gesith, appear side by side from the very beginning, at first rather sharply distinguished, but soon employed as practically synonymous terms.

The Anglo-Saxon word *gesip* originally meant a traveling companion,¹¹ and this significance it never wholly lost.¹² But it soon came to be used in the technical sense of member of some lord's *comitatus*. The transition is natural: the way is the war-path, the devoted companion, the gesith.¹³ The term is used freely by the Anglian poets, who describe the gesiths as warriors, the companions of some mighty war-lord, living at his hall, or at least partaking of his liberality on certain great occasions.¹⁴

The relationship existing between the drihten or eorl and his gesiths was the highest and holiest that the Teutonic mind could imagine. It was the hero's delight in life, his hope after death. The scenes of earth were reënacted in the halls of the Anses, where the brave ones fought and Woden rewarded his followers

is, as has already been shown, a new official of Norse origin whose English history begins with the viking invasions. Cf. Stubbs, *O. H.*, I, 169.

¹¹Gesib is derived from Old-Germanic *sinpa*, way or journey. This appears in Gothic as *sinpa* and in Anglo-Saxon as *sib*, journey, time. The Gothic *ga-sinpa* like the Anglo-Saxon *gesib*, means primarily a companion on the way. See Kluge, *Etymologisches Wörterbuch*, 113.

¹²In *Solomon and Saturn* (346-47) weeping and laughter are called each other's gesiths.

¹³Thus we have the Old High German *gisindl* and the Lombard *gasindil*. The latter composed the king's special following as appears from the *Lasos of Lautprand*, LXII. Cf. Gengler, *Germanische Rechtsdenkmäler*, Glossar; Brunner, *D. R. G.*, II, 280 ff. With the same restricted significance we have the obsolete Danish term *hof-sinde*, a court official.

¹⁴In *Widsith* eorl is used as synonymous with theoden, chief, prince; gesith as explanatory of *Innweorud*, house-troop (110-11). Attention has already been called to the use of these terms in *Deor's Lament*. That there were gesiths at the royal court is shown in the Gnomie Verses: 'Good gesiths shall encourage the young etheling to warfare and to ring-giving.' *Versus Gnomie*, 14-15 (Cottonian). King Higelac dwelt at home with his gesiths. *Beow.*, 1923-24. Dearly beloved gesiths accompanied Beowulf to the last great encounter (2516-18). This idea of companionship in warfare persisted as late as the time of Alfred. We read in his *Metra* (XXVI, 19-20) that 'the lord of the Greeks dearly purchased the Trojan burg with his excellent gesiths'. There were gesiths in the Jewish host that routed Holofernes' forces (*Judith*, 199 ff.) and in Abraham's company when he rescued Lot (*Genesis*, 2066-67). In the *Husband's Message* (31-34), hope is expressed that they two (husband and wife) may soon again distribute 'nalled' rings among their warriors and gesiths. The warriors who were surprised in the famous hall at Finnsburg were gesiths. *The Fight at Finnsburg*, 41-42.

with gold.¹⁵ The general nature of the English *comitatus* seems to have been the same as of that described by Tacitus: there is the same liberality on the part of the lord, the same devotion on the part of the men.¹⁶ That this devotion was more than a mere sense of duty appears from a passage in the Wanderer, perhaps the most artistic of all the Old English poetical productions.¹⁷ The memories of the minstrel turn not to valor and warfare but to former joys in his lord's hall. In his dreams 'it seems to him that he is kissing and embracing his lord and laying his hands and his head on the chieftain's knee, as he formerly did in days of yore, when he enjoyed the gift-stools.'¹⁸ That the members of the *comitatus* were as dear to their chief appears from many considerations, especially the oft-recurring phrase *sweðe gesiþas*, dear gesiþs. The members of the same following were no doubt also bound to each other by close ties. The runic inscription on the so-called Tunē-stone¹⁹ seems to record the fact that the fifth century *comitatus* was a law-bound guild.²⁰ How this personal bond, this intimate relationship between the chief and the warrior, was formed and how long it endured cannot be answered definitely from Anglo-Saxon sources. It would seem from

¹⁵*O. P. B.*, I, 227: Biðjom Herjarföður i hugom sitja han geldr og gefr goll verðungo.

¹⁶The heroic poetry from Beowulf to Byrhtnoth (the *comitatus* seems to have experienced a revival after the viking incursions had begun) is a splendid commentary on these two virtues. The spirit of loyalty is also illustrated in the story of Cynewulf and Cyneheard. Even after the king was known to be slain, his men refused to listen to the assassin's promises of life and gifts; 'but they continued fighting until they all lay dead save one, a British hostage, and he was severely wounded.' *A.-S. Chron.*, 755.

¹⁷This poem is heathen in thought and sentiment if not in point of time. The opening and closing lines are later additions by some Christian singer. Cf. Wülker, *Grundriss*, 205.

¹⁸Ll. 41-45: þinceð him on mode, þæt he his mondryhten
clyppe and cysse and on cneo læge
honda and heafod, swa he hwilum ær
in gear-dagum gief-stolas breac.

¹⁹So named from its location near Tunē church in southeastern Norway. The rock is roughly hewn in the form of an obelisk and is of about the height of a man.

²⁰The inscription which archeologists date about 500 reads as follows: "Ek Wīwar after Woduride witada-halaiban worahto r[unor]"; in free translation, 'I, Wīwar, in memory of Wodurid, my intimate companion, wrought these runes.' The word that I translate intimate companion is witada-halaiban of which the first part is probably related to Gothic witoþ, law, and the second to Gothic gahlaiba, loaf-sharer or comrade, but used by Ulfilas in the sense of soldier. *Philippians*, 2:25. The whole term probably means one belonging to a law-bound guild of warriors. Cf. Bugge, *Norges Indskrifter*, 17.

Tacitus' account that the *gesith* entered the *comitatus* while yet a mere youth, and certain allusions in the Anglian poetry point in the same direction.²¹ But, while the institution is usually spoken of in connection with noble youths, no class of freemen seems to have been excluded from membership²² and the relationship might apparently continue into old age.²³

Such was the *gesith* as the poet saw him: a warrior devoted to a warlike lord; a hero whose joys were the battle and the banquet. The laws and the Latin sources, however, the charters, the histories and the 'lives', give us a somewhat different picture. In the Latin documents we frequently meet the term *comes*. This, in the tenth century glossaries, is translated *gesip*, and *comitatus* is rendered *gesipræden*.²⁴ But it is not always clear that *comes* in the sense of *socius* is not meant.²⁵ In an eighth century vocabulary *gesith* is used as the Saxon equivalent of *optimas*;²⁶ in this case, then, the *gesith* is not considered as a warrior or a member of some military household, but as one of the powerful men of the realm. This is exactly in line with the use of the word in the writings of Bede, who wrote in the same century. One looks in vain through the Ecclesiastical History for any use of the term *comes* in the later sense of count or earl.²⁷ All we can safely say of Bede's *comites* is that they were men of power, wealth and

²¹Beowulf came to Hrethel's court at the age of seven. From that time on he seems to have been treated as a member of the following. The king gave him entertainment and costly gifts (2428-31). The Wanderer also feasted with his gold-friend in his youth (35). According to the rules of Jom no one younger than eighteen should be admitted to the brotherhood (*Jomsvikingesaga*, 24); an exception was made, however, in the case of Vagn, who became a member at the age of twelve (32). But Vagn had already killed several men and had proved himself a worthy viking (31). Cf. *Germania*, 13; Müllenhoff, *Deutsche Altertumskunde* IV, 262.

²²Among the avengers of Byrhtnoth was an 'aged churl.' Judging from the context we should consider him a member of the ealdorman's martial following. *Battle of Maldon*, 256. Waits believes that even serfs might become *comites*. *D. V. G.*, I, 373.

²³Old *gesiths*, *eald-gealðas*, are mentioned in *Beowulf* (853). In the *Battle of Maldon* we read of an *eald-geneat*, old companion, who unquestionably was a member of Byrhtnoth's *comitatus* (310).

²⁴Vocab., 239:3, *fida comes*, I. *fidella*, *getreowa gesiða*; 253:2, *comes*, *gealð*, 206:21, *comitatus*, *consecutus vel gesipræden*.

²⁵In a tenth century gloss *gesith* is also used to translate *cliens*: *cliens*, I. *socius*, *þegn*, *gesipa*. *Ibid.*, 206:34.

²⁶*Ibid.*, 35:4.

²⁷The same remark applies to *dux*. Of the *duces* we can affirm only that they were military leaders. See H. E., I, 15, 16; II, 13, 20; III, 3, 24; IV, 13, 26; V, 10. Alfred calls the *dux* a *heretoga*, host-leader, or *lattsow*, guide.

social standing. Alfred in his translation distinguishes very carefully between *comes* (*socius*) meaning a mere companion and the same term as applied to an order of men. Augustine's *socii* were *geferan*,²⁸ the same is true of the companions (*comites*) of Edwin's queen.²⁹ But *comes regis* is translated *gesith*.³⁰

The *comes* of the eighth century seems to have spent very little time, if any at all, in his lord's household. He had attained a respectable social position and kept up an establishment of his own; he even returned former favors by entertaining the king.³¹ Even where the more specific title *comes regis* is employed, there is no indication that the person in question was regularly entertained at the royal vill.³² The Anglian *gesiths* had, by the time when Bede wrote, become great land-owners:³³ nearly all that we read of had villas, and some even had churches on their estates.³⁴ How extensive these possessions were cannot be known. It is, of course, possible that the *comites* had large military followings on their estates, but the evidence for such is wholly wanting. Not even the suggestion of a *gesith's* *comitatus* appears in the Ecclesiastical History.

The institution of *gesithship* naturally gave rise to a privileged class, the *gesithcund*.³⁵ To what extent we are to distinguish

²⁸I, 25.

²⁹II, 9.

³⁰IV, 22.

³¹Bede tells of a king who incurred episcopal wrath by dining at the home of an excommunicated *comes*. *H. N.*, III, 22.

³²King Oswin was slain at the home of Hunwald, "his *gesithes*," where he had concealed himself. *Ibid.*, III, 14; cf. IV, 22. We are told that Cuthbert once healed the servant of a "*comitis* Ecgridri regis," Bede, *Opera*, II, 90. The context clearly indicates that the *comes* had his own home. It is interesting to note that the Frankish *antrustions* (some of them at least) had homes of their own. The *Salko Law* (XLII) provides that the fine for slaying a freeman "in trusts" shall be three times as large as the penalty for murder in the freeman's own home.

³³When Colman left England he went to a Scotch island and bought a small part of it "a *comite* ad cuius possessionem pertinebat." Alfred's version reads: "æt sumum *gesith* be ðæt land ahte." *H. N.*, IV, 4.

³⁴*Ibid.*, V, 5; . . . *vocatus ad dedicandam ecclesiam comitis vocabulo* Addl. See also *Ibid.*, V, 4.

³⁵That the *gesiths* comparatively early became a class appears from the occurrence of such compounds as *gesithcund*, *gesithman* and *gesithwif*. *Gesithcund* as used in the earlier laws clearly indicates rank. See *Laws of Wiltred*, 5; *Laws of Ine*, 50, 51, 63, 68. The word appears in several chapters of Ine's dooms equivalent, it seems, to the *eorlcund* of the Kentish laws. That a *gesithwif* was a lady of rank appears from a statement in Gregory's *Dialogues* concerning "a certain noble *gesithwif*"—"sum *wæle* *gesithwif*." *Bibl. ðor ang. Prose*, V, 71. Cf. Seeborn, *Tribal Custom in Anglo-Saxon Law*, 369.

between *comites* and 'gesithcundmen' cannot be known; but all belonging to the latter class did not enjoy the possession of great estates. We read in Ine's Law that 'if a gesithcundman who is a landowner neglect the host, he shall pay one hundred and twenty scillings and lose his land; one who is not a landowner, sixty scillings.'³⁸ From this we are also justified in concluding, that, before the close of the seventh century, this class, so supremely martial in its origin, had lost its passion for warfare.

How the *comes* originally came into possession of his lands can only be conjectured: but it seems reasonable to suppose that the chiefs of the Angles and Saxons, after they had risen to kingship, found distribution of conquered and confiscated lands the best way to provide for a large and growing *comitatus*.³⁷ Later grants were also made from time to time.³⁸ That it was customary to give gifts to members of the royal household is very well known. Arms, horses, rings and fragments of rings were commonly given.³⁹ The king of the Goths gave Widsith a ring which he in turn gave to Eadgils, his 'protecting lord, a reward to the beloved one, the lord of the Myrgings, for the lands he gave me, my ancestral possessions.'⁴⁰ Another bard, in a song almost as ancient, laments that a song-skilled rival had taken the land-right that his lord had formerly given him.⁴¹ Beowulf gave Wiglaf 'the wealthy dwelling-place of the Wægmundings with every

³⁸C. 51. Gif gesibound mon land-agende forsitte ferd, geselle CXX Scill. and þolle his landes; unland-agende LX Scill. Cf. Seebohm's interpretation of this chapter in *Tribal Custom in Anglo-Saxon Law*, 391. See also Earle, *Land Charters*, Intro., LXXX.

³⁷Wholly different from this view is that of Earle, who believes the *gesiths* to have been "the original captains and officers of the Conquest of Wessex, men of eorlisc birth, the co-adventurers who organized and led the invasion, and who obtained a share of the conquered soil duly proportionate to their services or contributions to the successful venture." *Land Charters*, Intro., LXX. To this it may be sufficient to remark, that we do not know the plan or process of the Saxon invasions. Seebohm, the most recent writer on this subject, believes that the *gesithcundman* was placed over a certain number of hides, twenty, ten or fewer, "under the special obligation to provide food-rent by settling tenants upon the land." *Tribal Custom in Anglo-Saxon Law*, 422.

³⁸Such was the grant of Æthilbald of Mercia to his comes Æthelric, son of the former king of the Hwiccas. *K. O. D.*, No. 83. Another of Æthilbald's grants is made to his comes Wihtred. *Ibid.*, No. 101. In 736 the same king gave lands (this time for church purposes, however,) to his 'honored comes Cyneberht.' *Ibid.*, No. 80.

³⁹See Waits, *D. V. G.*, I, 376; Kemble, *Sax. in Eng.*, I, 183.

⁴⁰Ll. 93-96.

⁴¹*Deor's Lament*, 39-41.

folk-right as his father possessed it.⁴³ From these passages we shall have to conclude that the ancient eorl frequently rewarded his men with lands, though giving, perhaps, the usufruct only.⁴³ In addition, lands might be held by the title that violence gave.⁴⁴

While the evidence presented is not of such a nature as to warrant any extensive generalizing, a few things seem tolerably clear. Eorl and gesith were not originally synonymous terms: eorl referred to the old Germanic nobility, the *principes*, whose privilege it was to maintain a *comitatus*,⁴⁵ the term gesith was applied to the members of this following. It is not likely that all eorls made use of this privilege, but those that did were probably known as 'drihtens.' With the rise of kingship there seems to have come a decline in the fortunes of eorlship. The king's *comitatus*, which was, perhaps, largely recruited from the old nobility, formed the nucleus of a new privileged class. But the gesiths soon lost their militant nature and their order developed into a landed aristocracy.⁴⁶ As they had probably left the king's vill by the time of our earliest sources, we cannot consider them as belonging to the historic royal household.⁴⁷ Their places, however, were not left vacant; a new order of men, the thegns, succeeds them as the king's companions. While in many essential respects the thegn closely resembles his predecessor, the origin, the history and to some extent the character of thegnship are wholly

⁴³Seebohm, 2606-08.

⁴⁴Cf. Kemble, *Soc. in Eng.*, I, 179.

⁴⁵In one of Offa's charters we read: 'it happened in the days of Offa, king of the Mercians, that Bynna, comes regis, wrongfully appropriated this land.' *K. O. D.*, No. 164. It is by no means likely that this instance is an exceptional one.

⁴⁶See *Riddle*, No. 95: 'I am known to the Indryhten (comitatus) and to the eorls.' The terms Indryhten and eorl can hardly be synonymous. *Bibl. dor ang Poésie*, III, 238.

⁴⁷The subject of the gesith as a landholder does not lie within the field of this study. The most recent work dealing with this class from the view point of manorial possessions is Seebohm's *Tribal Custom in Anglo Saxon Law* referred to above. It should be remarked, however, that his conclusions are not always likely to be correct, as, in addition to employing the comparative method to a questionable extent, he bases his conclusions almost entirely on legal evidence, thus ignoring the great bulk of Anglo-Saxon sources.

⁴⁸The fact that the heroic poetry represents the gesiths as still abiding in the regal presence does not necessarily conflict with this conclusion. The past lives long in the realms of verse, and the "golden age" is always a favorite theme. The poems that have come down to us evidently belong to a period of transition from a time of war to an age of comparative peace, when a large military following could not very well be maintained.

different from those of *gesithship* and hence the subject requires separate treatment.⁴⁸

⁴⁸On the general subject of the English *comitatus*, the relationship existing between the eorl and his *gesiths*, the duties and privileges of the latter, etc., my conclusions do not differ much from those presented by Kemble and Stubbs. But Kemble sees no noteworthy difference between the *gesith* and the *thegn* (*Eng. Ag.*, I, c. 7), and Stubbs holds that they are very closely connected, "so closely that it is scarcely possible to see the difference except in the nature of the employment. The *thegn* seems to be primarily the warrior *gesith*; in this idea Alfred uses the word as translating the *miles* of Bede."—*O. H.*, I, 172. As I see it, the difference between the two orders was considerable, and the *gesith* in my opinion was rather the warrior *thegn*. The *gesith* belongs to the earlier, more unsettled and warlike age; the *thegn*, to the age of national peace and organization. A general criticism that might be passed on the works of nearly all those who have written on Germanic institutions is that the elements of time and place are not sufficiently considered. In describing the *comitatus* historians are in the habit of using the writings of Snorre as well as Tacitus; but between these two historians lie a thousand years and more than two thousand miles, a very respectable distance in the middle ages.

CHAPTER III.

THE LATER COMITATUS IN ENGLAND: THE THEGN.

'Thegn' is an old Anglo-Saxon term, one of the oldest words in the language. Its general significance is readily determined, but its etymology has long been in doubt. Usually it is taken to be derived from an Indo-Germanic root *teq*, whence the Greek *τέκνον* begat, and *τέκνον*, child.⁴⁵ The term goes back into ancient Germanic times. The Old Saxon *thegan* means primarily a boy. In Old Norse *þegn* is frequently used for subject or common freeman. The Old High German form of the same word is employed to translate disciple. Nowhere does the primary significance of the term indicate high rank.⁵⁰ Furthermore, the character of a word is revealed not by its ancestry alone but also to some extent by its posterity. From *egn* þ are derived such words as *þegnian*, to serve, *þegnung*, service, and *þignen*, maid-servant. And these are not late formations: *þegnian* occurs in

*Mayhew, *Old English Phonology*, 51. Others have tried to connect *þegn* with *þeon* (Gothic *gabelhan*), to thrive. Leo confidently asserts that the thegn is 'he who has thriven,'—"se þe geþeah." *Rectitudines*, 168-69. Had the term first appeared at the time of the *Promotion Law*, or of the period to which it refers, this derivation from *þeon* might seem reasonable. But still earlier lies a long age of what does not look like much prosperity on the part of thegnhood. But slightly different is Little's explanation, "the growing one, the boy or young man." *Eng. Hist. Rev.*, IV, 724. For the *Promotion Law* where the expression 'he who has thriven' occurs, see Schmid, *Gesetze*, Anhang, V.

"The author of the *Helland* uses thegan and kuninges thegan in such a way as to suggest the English nobleman of that same period. But this meaning is clearly a derived one and can hardly represent native usage. The poem appears to have been written during the reign of Louis the Pious, when kingship was still a rather new idea among the Continental Saxons. Perhaps Anglo-Saxon influence can be traced in the terms employed. The author knew something of Bede; he used his homilies as a source in preparing his poem. See Windisch, *Helland und seine Quellen*, 46. If he knew any of Bede's other writings, he would find the phrase "minister regis" frequently used, a combination that he would have to translate "kuninges thegan."

Beowulf. The early history of the word thegn is one of service.⁵¹ There is, however, no evidence known to me that would support the assumption that the original thegn belonged to an unfree class,⁵² but in time the term came to be applied in Anglo-Saxon to almost every possible rank of men from serf to noble. The present discussion will be limited, as far as possible, to the thegns at the royal court.

While the institution of thegnhood may be very ancient, its importance in the king's household is of a later date. In the earliest sources there is scarcely any mention of the thegn; in the earlier Kentish dooms⁵³ we read of *eorl* and *eorlcund*, of churl and freeman, but nowhere of thegn or gesith. The first great change in terminology comes with the Laws of Withræd.⁵⁴ Gesith and thegn now appear for the first time in English legislation, but not as equivalent terms: the gesith is a member of a class, 'gesithcund,' while the thegn is a privileged individual; he is the king's thegn, while the 'gesithcundman' seems to have no master. If the king's thegn were originally a churl, he is one no longer. He can 'cleanse himself' with his own oath, while a churlish man needs three compurgators.⁵⁵ Not only has he risen above the common freeman, he has also passed the gesith.⁵⁶ If further evidence were needed to show that these two orders of men were wholly distinct, it is found in the early laws of Wessex, where the fine for breaking into the burg of a king's thegn is fixed at sixty *scillings*, and for the same offence against a land-owning 'gesithcundman' at thirty-five *scillings*.⁵⁷ Nor does it seem that the gesith had declined in importance. His position with reference to the king is very nearly the same as that of the

⁵¹This fact led Kluge to look for a corresponding derivation. In an earlier edition of his *Wörterbuch* (1889) he suggested that *þegn* might be derived from the Germanic base *þigwa*, whence Gothic *þius*, Old English *þeon*, a bondman. But he was evidently unable to overcome the phonological difficulties, for in his latest edition (1899) the suggestion is not repeated. See *Etymologisches Wörterbuch*, Degen.

⁵²In the enumeration of classes in the *Lay of Righ* (*C. P. B.*, I, 238), the thegns are placed among the churls or common freemen. Thegn is the son of Karl.

⁵³*Laws of Æthelbirht; Laws of Hlotar and Badric.*

⁵⁴The "*cyninges þegn*" is mentioned in c. 20.

⁵⁵C. 20, 21.

⁵⁶The oath of a king's thegn is four times as strong as that of a churl. The fine for adultery on the part of a gesith is only twice as large as that fixed for the same crime on the part of a churl. *Laws of Withræd*, 5, 20, 21.

⁵⁷*Laws of Ine*, 45.

eorl of the older Kentish laws as appears from a comparison of fines⁵⁹ and wergelds.⁶⁰ But he is soon overshadowed by the rising class of thegnhood which had placed itself between him and his king. His fortunes are clearly waning, and after the ninth century the title *gesith* appears no more in English law.

The terminology of the Anglian poetry is also worthy of some consideration.⁶¹ In the *Cædmonic* poems the thegn is high in the royal service. The author of the *Genesis*, when referring to the royal household, uses the title of thegn for any member of the royal following,⁶² but more particularly for one who performs the king's commands.⁶³ The poet does not seem to attach any military significance to the word, though at times he does use it in the poem *Judith*. The guests invited to *Holofernes'* great banquet belonged to an inner circle of senior thegns, *yldestan*

⁵⁹The ratio of fines for similar crimes against the king and the eorl under the old Kentish regulations was as 25:6. *Laws of Æthelbriht*, 2, 5, 6, 10, 13, 14. Under the earliest West Saxon laws the ratio of fines for breaking into the king's or the *gesith's* burg was as 24:7. *Laws of Ine*, 45.

⁶⁰The earliest wergelds noted are those of Kent toward the close of the seventh century. In *Elotar* and *Eadric's* dooms (1, 3), we read of men whose worth was three hundred scillings and others with a wergeld of only one hundred. If we double these we have the 'wers' of the six-hynde men and the twy-hynde men of the *Wessex* documents. But *Ine* (c. 70) also recognized a third class, or twelve-hynde men. It is hardly necessary to say that the wergeld of a king's thegn was twelve hundred scillings and that of a churl two hundred. Seebohm regards the six-hynde man "as probably the *Willac* man with five hides or more." *Tribal Custom in Anglo-Saxon Law*, 401. His conclusion is based mainly on two chapters of *Ine's Law* (24:2, 82) where the wergelds of the native Celts are fixed, and appears well founded. But most likely the six-hynde class was composed of two distinct elements. From analogous conditions in Kent we should infer that the *gesithcund* (which are much in evidence in *Ine's* legislation) were of this class. And we are distinctly told that the worth of a Celt with five hides of land was six hundred scillings. In the reign of *Alfred* the six-hynde man disappears. *Alfred* and *Guthrum's* peace recognizes but two classes, twelve hundred men and two hundred men. See *Schmid*, *Gesetze*, 106, Cf. *ibid.*, 591-95, *Geldrechnung*; *Steenstrup*, *Danetlag*, 115, 171-74; Seebohm, *Tribal Custom in Anglo-Saxon Law*, 352-55.

⁶¹On this point I shall limit myself to the investigation of what the usage was in the century of *Cædmon* and *Cynewulf*, whose productions belong to the time before 800. The ninth century, which was the period of the Norse and Danish invasions, produced nothing, it seems, in the way of literature before the art was revived at the court of *Alfred*.

⁶²After the expulsion of Satan there was again true peace in Heaven,—'the Lord dear to all, the Ruler to His thegns' (78-81). All the dwellers of Heaven are thegns. Cf. the description of the divine courts in *Andreas* (873-76) where the angels gathering in the Lord's presence are all called thegns: "Utan ymbe æþelne englas stodon, þegnas ymb þeoden þusenðmælum."

⁶³Pharaoh's thegns, the princes of King James' version, who beheld the beauty of Abraham's wife, are also called *ombiht-scealcas*, a term of a decidedly servile origin. (1849-51; 1869-72.) When Abraham was at Gerar, Abimelech the king sent his thegns to bring Sarah to himself. (2627-28.)

pegnas.⁶³ When the watchmen discovered the advance of the Jewish host, they reported the matter to the eldest ruling thegn, *yldestan ealdor-pegnum*.⁶⁴ Gesith is used in reference to Holofernes' guests, not as a mark of distinction, but in the sense of companion, *wea-gesipas*,⁶⁵ companions in woe. Farther on, the same term is applied to the warriors or leaders in the Hebrew host.⁶⁶ It will be seen that the significance of the word thegn when applied by the early Christian poets to members of the king's household is very general. Naturally it is used for free-men only. The antithetical usage of 'thegn and theow'⁶⁷ would scarcely permit us to apply the title to a serf.

There are, however, a few Old English poems of unmistakably heathen origin and of greater antiquity even than that of the Genesis.⁶⁸ These Teutonic lyrics and heroics deal largely with the life of the *comitatus* in the lord's hall—the higher life of that age. In Widsith, perhaps the most venerable of these, we meet such terms as *eorl*, *eorlship*, *gesith* and *dugup*, but not thegn. Nor is there any mention of thegns in the Seafarer. The members of the *comitatus* in the Husband's Message are warriors and gesiths⁶⁹ but not thegns. In the Wanderer we find the title once in the compound *magu-pegnas*, meaning warriors.⁷⁰ While this remarkable absence of the term in the pre-Christian poetry does not prove absolutely that the thegn had not yet made his appearance among the great, it does seem to show that he had not yet thriven sufficiently to allow his own title to displace the earlier terms in the poet's vocabulary.

In Beowulf the word *pegn* has a rather general significance parallel to that which we found in the Biblical poems. On the whole, the usage implies the relationship of the *comitatus*.⁷¹ But there were thegns at Heorot whose services must have been too

⁶³ 7-10.

⁶⁴ 241-43.

⁶⁵ 16.

⁶⁶ 201.

⁶⁷ *Phoenix*, 164-65: *Æghwylc wille
wes an þegn and þeow þeodne mærum.*

⁶⁸ See chapter I.

⁶⁹ 88: *secgum and gesipum.*

⁷⁰ 62.

⁷¹ Beowulf himself was Higlac's thegn (194, 407-8); his men are his own thegns (400, 719, 1480); the shoreward bears the same title (235). See also 123, 298, 867, 1081, 1085, 1230, 1405, 1419, 1644, 2083 et passim.

menial for noblemen. The hero himself has an *ombeht-þegn*, who takes charge of his armor when he retires.⁷³ There is a *hall-thegn* who looks after his general needs.⁷⁴ Thegns also seem to act as butlers.⁷⁵ Unfortunately, the composite character of the epic makes it an extremely unreliable source when the effort is to trace the development of any particular institution.⁷⁶ But we cannot err very much if we say that in this poem there are traces both of what the thegn once was, a trusted household servant, and of what he had recently come to be, the king's honored companion and guard.⁷⁶

In the Latin sources king's thegn is translated *minister regis*. The title frequently occurs in Bede: all the members of the royal court seem to have been *ministri* when the Ecclesiastical History was written. The term also occurs in some of the earlier charters,⁷⁷ but perhaps in no genuine document of the seventh century.⁷⁸ The earliest land-grant to a *minister* that has come down to us, was made by Æthelbald of Mercia (716-43).⁷⁹ From this time on, there is an increasing number of charters in which *ministri* appear either as grantees or as witnesses.⁸⁰

The results of our inquiry into the rise of thegnhood may be summed up as follows: in the laws, the charters and the poetic memorials,⁸¹ the earliest mention of the king's thegn falls in the latter half of the seventh century or the beginning of the eighth; on the other hand, in what appears to be earlier sources, there is scarcely a single allusion to a thegn of any sort.⁸² From this we

⁷³ 673.

⁷⁴ 1794.

⁷⁵ 494.

⁷⁶ For a discussion of the structure of this poem, see Müllenhoff, *Untersuchungen über das angelsächsische Epos*. Berlin, 1899.

⁷⁷ Wealhtheow's allusion to the eorls as faithful and the thegns as gentle (1228-80) is interesting; but perhaps the antithesis was not intentional.

⁷⁸ The term *minister* occurs in a document purporting to be issued by Wulfhere of Mercia in 664. *K. O. D.*, No. 984. But the slightest examination of the text shows it to be spurious; it is full of technical terms from Norman times.

⁷⁹ A Mercian charter of uncertain date (716?) has four *ministri* among the witnesses. *K. O. D.*, No. 67. A grant attributed to Wulfhere and dated 624 is signed by two *ministri*. Birch thinks this is a genuine document, but would change the date to 674. *Cartul.*, No. 32. On close examination, however, it will be found to belong to a much later date.

⁸⁰ *K. O. D.*, No. 90.

⁸¹ *Ibid.*, Nos. 109, 113, 117, 137, 1020, 1021 and later documents.

⁸² *Laws of Wulfred* (695-96); *K. O. D.*, No. 67 (716?); *The Genesis*.

⁸³ Except in *Beowulf*; but that epic is probably the growth of a long period of time.

shall have to conclude that the real importance of this new order of men dates from the second half of the seventh century.

In this same period the transforming power of Christianity was beginning to reshape English life and institutions. The old faith perished and with it the great *comitatus* in the heavenly halls of Woden. This fact could not fail to affect the character of the same institution on earth;⁸³ it soon ceased to be a martial following of warlike *gesiths* and became a royal guard of thegns whose lives were dedicated to the new ideal of service. Nevertheless, the royal household retained its armed character; doubtless much of the old spirit was kept alive. All men, says Eddi, trusted Wilfrid; the nobles sent their sons to him to be educated as ecclesiastics, or as servants of the king, if they should be unwilling to enter the church.⁸⁴ The phrase here used, 'that he might commend them to the king as men in arms,' has a decidedly Tacitean flavor; but a *comitatus* of the older type is not necessarily implied.⁸⁵

As to how large the king's company of thegns was during the seventh and eighth centuries we have no information.⁸⁶ The guard of the Northumbrian king was, on one occasion at least, five or six thegns.⁸⁷ We get a vague idea of the size of King Edwin's household from Bede's account of the Princess Eanfled's baptism.⁸⁸ She was the first one of the Northumbrian people to receive that rite. Eleven others *de familia ejus* were baptized with her. Alfred understands these to be of the queen's household, *pære cwene hirede*. The queen was a Christian and had

⁸³Cf. the effect of the introduction of Christianity on the Norse viking.

⁸⁴*Hist. York*, I, 32: *Principes... filios suos ad erudiendum sibi dederunt, ut aut Deo servirent, si eligerent; aut adultos, si maluissent, regi armatos commendaret.*

⁸⁵Bishop Wilfrid also kept an armed train. The jealous queen incited King Egfrith against him 'by eloquently recounting all the worldly glory of Saint Wilfrid the bishop, his riches, the great number of his monastic establishments, and the numberless host of his courtiers adorned with regal arms and vestments.' All this is doubtless highly exaggerated; but while we may question the regal character of the weapons, there is no reason to doubt the statement that the bishop's men bore arms. *Hist. York*, I, 34-35.

⁸⁶There were sixty thegns in the hall at Finnsburg, but this number probably originated in the poet's imagination. *The Fight at Finnsburg*, 37-38. Cf. Walz, *D. V. G.*, I, 387.

⁸⁷Bede, *H. B.*, III, 26: *Rex ipse... cum quinque tantum aut sex ministris veniebat [ad ecclesiam]...*

⁸⁸*Ibid.*, II, 9: *... quae baptisata est... prima de gente Nordanhymbrorum cum undecim aliis de familia ejus.*

brought several attendants with her from Kent, doubtless all of the new faith. If these eleven were of her men or maids, the queen's service must have been quite large for the time and place. And we should imagine the king's own to be still more numerous. But Alfred's interpretation is not the only possible one. Most likely the eleven were of Edwin's own service. Whether the author is accurate or not is immaterial. He evidently saw nothing strange in the story, and in his own day the king's household must have been quite large. In describing King Oswin's liberality, he says: 'from all sides and from nearly every province men, even of the noblest blood, rushed to his service (*ministerium*).'⁸⁹

The relationship between the king and his thegns seems as a rule to have been a permanent one, especially in cases where a gift of land was a consideration. But, as we have already seen, lands and honors might be lost, and with them the royal favor. However, a thegn might also be dismissed in grace. Benedict Biscop, a young nobleman, served King Oswy as *minister* and received a suitable estate from his master before he was twenty-five years old, but despising earthly possessions he left the royal service and went to Rome (ca. 653).⁹⁰ In a Kentish charter of 762 the grantor refers to himself as Æthelbirht's *minister* during the life of that king.⁹¹ This form of statement and the fact that no title is joined to his signature lead us to infer that he had ceased to be a *minister*. A thegn, it seems, might be permitted to transfer his allegiance from one royal master to another;⁹² but strangest of all, it was apparently possible for him to serve two lords at the same time, as their 'common *minister*.'⁹³

The history of thegnhood after the eighth century closely resembles that of the earlier *comitatus*: the king's household became the birth-place of a new landed aristocracy. As the Anglo-Saxon

⁸⁹H. B., III, 14.

⁹⁰Bede, *Opera*, II, 140.

⁹¹K. O. D., No. 109: Ego Dunuuald minister, dum adiuverit, inclitae memoriae regis Aethelberti....

⁹²Bede tells of a thegn, a prisoner of war, who got his ransom money from the king of Kent, the son of Queen Æthelthryth's sister. The prisoner had once been the minister of Æthelthryth or of her sister; but at the time of his capture he served Ecgrith, king of Northumbria and Æthelthryth's husband. H. B., IV, 22.

⁹³In 801, the Mercian king and his brother, the king of Kent, conveyed lands to "Suiðhuno, nostro in commune ministro." K. O. D., No. 179.

king was not in the habit of legislating for his court, the mention of his thegns in the last Kentish laws implies that they had acquired a position away from the royal presence and were no longer in constant attendance upon their master. Whether the practice of rewarding the *ministri* with lands was common during the earlier period cannot be known: all the extant charters of the seventh century are issued to ecclesiastics or to laymen for ecclesiastical purposes.⁹⁴ The same, with perhaps five exceptions,⁹⁵ is true of the eighth century grants before Offa's reign (757-96). During the second half of the century lay grantees become more numerous, and several of the transfers are to king's *ministri*. That the *ministri* were specially favored by Offa appears from two restoration charters issued by Coenwulf (798-819), under whom a clerical reaction seems to have set in.⁹⁶ Owing to warfare and unsettled conditions, the records of the ninth century are not very satisfactory; but, such as they are, they show an increasing number of grants to laymen. This tendency appears to have culminated about the middle of the tenth century. Edward's charters (901-24) are nearly all to churchmen. Under Æthelstan (925-40) there is a decided increase in the number of landed gifts to *ministri*. Of the extant

⁹⁴The grant of Wulfhere (Mercia, 624 or 674) to his kinsman Berhfrith (Birch, *Cartul.*, No. 82) can hardly be considered genuine. It is signed by two bishops, Wita and Totta. Wita and Tuda are probably meant, but Tuda died ten years before the grant was made. See Stubbs, *Reg. Sac. Anglo.*, 3.

⁹⁵*K. O. D.*, Nos. 79, 90, 101, 117, 1001; Birch, *Cartul.*, No. 208 (apparently a duplicate of *K. O. D.*, No. 117). In No. 90 Æthelbald (Mercia, 716-48) gives land to Osred his "ministro...valde fideli qui est de stirpe non ignobili prosapia regali gentis huiusclorum". This is the earliest recorded grant to a thegn. No. 117 is a grant by Uhtred (Hwiccas, 767) to "fidei meo ministro aedelmundo". No. 1001 may be a grant to a churchman. It should be added that the fact that so few charters conveying lands to laymen are extant does not necessarily lead to the conclusion that such gifts were but rarely made. The documents would not be so likely to be preserved as those of the church.

⁹⁶The first of these relates to lands which at one time had been given by King Egbert to his thegn Aldhun; and this one, going beyond the sea, had given it to the church at Canterbury. But afterwards Offa annulled this grant and distributed the lands among his thegns, saying that it was not right for his minister to hand the estate over into the power of another: "Sed harum postmodum possessiones terrarum Offa...immutavit suisque distribuit ministris, dicens injustum esse quod minister ejus prædumpsit terram sibi a domino distributam absque ejus testimonio in alterius postestatem dare... *K. O. D.*, No. 1020. The same year the king restored to a church at Dover certain lands "quas olim rex Offa eadem ecclesiae ablatas suis contulit ministris,..." *Ibid.*, No. 1021. In 840 Berhtulf of Mercia restored certain lands which he had taken from the church at Worcester and 'given to his own men'. *Ibid.*, No. 245.

charters dating from the reigns of Edmund (940-46), Eadred (946-55) and Eadwig (955-59), only a minor fraction record grants to the church. Edgar (959-75) was more liberal in endowing ecclesiastics, but even he distributed lands more freely among his thegns.

Occasionally the particular office of the person endowed is specified,⁹⁷ but more commonly *minister* is the only title employed. In nearly every case immunities, more or less extensive, went with the land. It seems that from the accession of Offa (757) the Old English kings made a deliberate effort to build up an aristocracy of land-owners. On the other hand, the *ministri* were eager for territorial possessions.⁹⁸ In his 'Epistle to Egbert' Bede gives us a vivid picture of official rapacity in Northumbria in the generation before Offa. The subject is monastic corruption brought about largely by the purchase of monasteries by the king's men: 'thus there are many who are called abbots and at the same time prefects or thegns or servants of the king.'⁹⁹ This condition seems to have been general all over the land,¹ and had existed, we are told, about thirty years.²

The thegns thus endowed with lands or local offices naturally could not be constantly present at the royal court. But their personal relationship to the king did not cease; nominally, they still belonged to his household. We read in the 'Promotion Law' that a churl might become a thegn, if he had, among other things,

⁹⁷As for instance *K. C. D.*, No. 489, a grant to "cuidam cubiculario"; *Ibid.*, No. 508, lands given to "cuidam camerario", etc.

⁹⁸The biographies of the English saints show us mere striplings hovering about the royal court, all doubtless expecting future rewards. See *Memorials of St. Dunstan*, 11; *Hist. York*, I, 4.

⁹⁹*Opera*, II, 219: Atque ita ordine perverso innumeri sint inventi, qui se abbates pariter et praefectos sive ministros aut famulos regis appellant, qui etsi aliquid vitae monasterialis ediscere laici non experiendo... Cf. *Hist. York*, I, 410-11.

¹There were evidently thegns in all the kingdoms. But after the establishment of the Danelaw, thegnhood seems to have flourished mainly in the south. Nearly all the royal grants of the tenth century are of lands south of the Thames; a few are located in the counties on the north bank; extremely few in the northern counties. In that region the social system was somewhat different, being based on the Norse ideas of a free yeomanry. See Steenstrup, *Danelaw*, 108.

²The *Epistola* was written in 784 or 785. The movement, then, would date from about 700, or soon after the time when the thegn first appears in the sources.

a 'seat and special service in the king's hall.'³ The term used for special service is *sunder-note*. This probably signified some particular duty, the same for all such thegns, established by custom once for all. The word seems to be thus used in *Beowulf*: the king had retired and a watch 'attended to the special service.'⁴ Judging from the context we should take this to mean serving as a guard. In the *Rectitudines*⁵ mention is made of *heafod-weard*, head-ward, a service that the thegn owes to his king and the *geneat* to his lord.⁶ Schmid's opinion, that this was the duty to guard the royal head when the king came into that particular region, is probably correct.⁷ The term is used in a similar sense by the Anglian poets.⁸ It appears from Asser's account that the thegns of Alfred's day had a similar duty to perform. 'For the *satellites* of the aforesaid king were most prudently divided into three cohorts in such a manner, that the first division remained and served at the royal court day and night for a month; when the month was ended, another division coming, the first departed for home.'⁹ Here we have thegns living abroad throughout the realm, but whose duty it is to give one-third of their time to the king's service at the royal vill. Fifty years later we find the thegns making similar periodic visits to the king's court. The authority for this statement is a passage in Edmund's laws: 'And I further make known, that I will have in my household no one

³Schmid, *Gesetze*, Anhang V:

And gif ceorl geþeah, þæt he hæfðe.
fullice æt hida agenes landes,
cirican and kyccenan, bell-hus and burh-geat,
setl and sunder-note on cynges healle,
þonne was he þononforð þegen-rihtes weorðe.

The document is thought to date from the tenth century, but does not pretend to describe conditions as they were at the time of its authorship: it gives the law as 'it was whilom'. See Stevenson, *Burh-geat-setl*, in *Eng. Hist. Rev.*, XII, 489-92.

⁴Sundor-nytte beheold ymb aldor Dena (ll. 667-68).

⁵A tenth century document. See Leo, *Rectitudines*, 222 ff.; Seebohm, *Eng. Med. Village Community*, 129.

⁶Schmid, *Gesetze*, Anhang III, 1, 2.

⁷*Cf.* Old Norse höfuðvörðr, the term applied to the personal guard of the Norwegian kings. See Keyser, *Efterladte Skrifter*, II, 78.

⁸The Assyrian sentinels guarding Holofernes' camp are called *heafod-weardas*. *Judith*, 289. Wiglaf kept *heafod-weard* over the body of his dead lord. *Beow.*, 2908-10.

⁹Petrie's *Monumenta*, 495: In tribus namque cohortibus praefati regis satellites prudentissime dividebantur, ita ut prima cohors uno mense in curto regio die noctaque administrans commoraretur, mensaeque finito, et adveniente alia cohorte, prima domum redibat.

who has been guilty of shedding human blood, before he shall have submitted to divine penance and all that is proper, as the bishop shall instruct him in whose shire it be.¹⁰ Evidently the members of Edmund's household dwelt in different shires.¹¹

Our conclusion then must be that, while there doubtless was a permanent court, there was also a body of household thegns whose presence at this court was occasional only, or at stated times, but whose duties nevertheless were definite and well understood. Analogous to this is the Norse system as described in *Speculum Regale*. The author of this work recognizes five classes among the king's servants, his classification being based on the amount and character of the service rendered. Two of these classes are made up of absentees who rarely come to the court, but who also have duties to perform, the specially important duty being to assist the king's officer in executing royal mandates in their region.¹²

That the English king would employ the thegns at his court as special agents in matters not exactly in the hands of his regular officials is almost self-evident and readily inferred from the language of the sources.¹³ But that the absentee-thegn possessed any local executive functions is not so readily shown. The thegn who had thriven to the extent that he served the king and

¹⁰ II, 4: *Eac ic cyðe, þæt ic nelle soðne habban to minum hirede ðone, þe mannes blod geate, ær he hæbbe godcunde bote underfangen anc wið þa mægðe gebet on bote befangen, and to ælcum rihte gebogen, swa biſcop him tæce, þe hit on his ſcyre sy.*

The translation is disputed, the uncertain element being the word *soðne*. Liebermann's rendering is clearly conjecture. Schmid thinks the sentence is corrupt. The translation given in the text is based on Steenstrup's interpretation (*Danseg.*, 211), which appears to me to be correct, and, if accepted, makes the passage clear.

¹¹ This interpretation is based on the fact that the criminal seems to be subject to a shire-bishop and not to the court clergy.

¹² *Speculum Regale*, 260 ff. As will be shown later, there are good reasons for thinking that the organization of the royal court in Norway was in many respects a copy of the English hired as it was in Æthelred's day. We should therefore expect to find the English thegns of the tenth century performing to some extent the same functions as the king's men performed in Norway two centuries later.

¹³ When the Lord has a special message to deliver to men, he sends his thegn or his high-thegn. See *Daniel*, 441-48; instances from the *Genesis* have been given in another connection. We read that a king once sent Saint Wulfstan, then one of his ministri, to assist a bishop in enforcing obedience. *Chronicon Monasterii de Abingdon*, II, 260. Ælfric, writing on the eve of Danish rule, speaks of thegns as ambassadors and military commanders. *Lives*, The Macca-bees, 380 ff. Cf. Cook, *Biblical Quotations*, 100: Naaman a thegn.

'rode as his mounted messenger at his household'¹⁴ evidently received his orders at court. Still, that the thegn came to be an important factor in the local administration appears from numerous passages in the laws. In Northumbria he seems to have assisted in collecting church-dues.¹⁵ In London he evidently served as peace officer.¹⁶ One of Æthelstan's laws provides punishment for a thegn who shall have taken a bribe.¹⁷ The phrase, 'I and my thegns,' used in Edgar's law,¹⁸ puts a special emphasis on this order of men and indicates that they were invested with considerable authority.

To assign a constitutional position to the holders of thegn-right is, however, extremely difficult.¹⁹ Feudal analogies will not help much to clear up matters, for all thegns did not have land.²⁰ It seems that the king's men were in a great measure out of the reach of the local authorities. Their land-dues were nearly all to the king.²¹ Says Æthelred, 'no man shall have *soc* over a king's thegn but the king himself.'²² Edgar magnanimously permits the townsmen to examine herds of live cattle belonging to himself and to his thegns.²³ 'In every shire and borough the king has the rights of his kingship and the thegn

¹⁴Schmid, *Gesetze*, Anhang V, 3. For a corrected translation see Steenstrup, *Danelag*, 183. Seebohm's rendering of "on his hired" as "with his household" I am not able to accept. I must also reject his translation of *radstefne* as "on his summons". *Tribal Custom in Anglo-Saxon Law*, 368.

¹⁵Schmid, *Gesetze*, Anhang II, 57.

¹⁶*Laws of Æthelstan*, VI, 11.

¹⁷V, I: 3, 4.

¹⁸IV, A, 6.

¹⁹Much of what has been written on thegnage deals with the institution mainly as it was just before the Conquest. Thus Maitland, *Domesday Book and Beyond*, 161 ff. As for the earlier thegn, Seebohm regards him as "a soldier first of all things". *English Village Community*, 135. Stubbs virtually holds the same opinion. *O. H.*, I, 172. Schmid seems to believe that the bond of service that held the thegn to the king was dissolved at some period before 900 and that subsequently thegnright was based on territorial holdings with an irresistible tendency to become hereditary. *Gesetze*, 666. An effort is sometimes made to distinguish between king's thegn and common thegn (see Pollock and Maitland, *History of English Law*, 10) but such a distinction can hardly be established before the eleventh century. While the military and territorial elements of thegnhood are important considerations, I believe they are subordinate to that of personal relationship to the king.

²⁰*Laws of Æthelstan*, VI, 11: ...and be healfum þam ælc minra þegna be gelandod sy....

²¹Schmid, *Gesetze*, Anhang III, 1, *Rectitudines*.

²²*Laws of Æthelred*, III, 11: And nan man nage nane socne ofer cynges þegen buton cyng sylf.

²³*Laws of Edgar*, IV, B, 13.

those of his thegnship.²⁴ In addition to legal privilege and social prestige the thegn apparently enjoyed great wealth.²⁵ Constitutional writers have generally supposed that five hides were necessary to make up a noble estate,²⁶ and it is quite probable that such was originally the rule.²⁷ If 'whilom' a churl wished to become a thegn, he had to have five hides at least;²⁸ but land alone was not sufficient. The development of this landed nobility extended over a period of at least three hundred years. In this evolution the rights of thegnship became hereditary²⁹—soon men were thegn-born as well as churl-born³⁰—and it seems unlikely that the estates could have been kept intact. On this point the charters shed no light. Æthelbald's grant to Osred, perhaps the earliest transfer of land to a *minister* of which we have the record, is of twenty *cassati*.³¹ After that the charters involve land-grants of varying extent, but usually not less than five hides.³²

But the thegn was not always merely a household servant or a local dignitary, he might also be a member of the national assembly. The privilege of membership in the king's council seems to have originated in the royal household. We have an early account of the deliberations of such a gemot in Bede's account of Edwin's conversion.³³ Prominent among the members was Cefi, the heathen *ealdorbisceop* of Alfred's version. He presided over the sanctuary in the 'town' where the council was held, and, as this was probably a royal vill, we should fancy that

²⁴ *Laws of Edgar*, IV, B, 2.

²⁵ *K. O. D.*, No. 805 (1046-60). One Toki is represented as "praepotens vir et dives minister regis". Ælfric frequently speaks of wealthy thegns. See *Lives*, I, 154; *Homilies*, II, 172; where thegns are spoken of as desiring convents to be built on their lands. The *Laws of Edgar* (II, 2) have a provision directed against such of his men as had churches on their book-lands. Wulfstan informs us that thegns frequently had serfs. *Homilies*, 162-63.

²⁶ Stubbs, *O. H.*, I, 173. Cf. Maitland, *Domesday Book and Beyond*, 164; Pollock and Maitland, *History of English Law*, I, 10. Little (Gesiths and Thegns, *Eng. Hist. Rev.*, IV, 723-29) combats the five-hide theory, but not with entire success.

²⁷ See *Eng. Hist. Rev.*, IV, 728: Little, Gesiths and Thegns.

²⁸ Schmid, *Gesetze*, Anhang V, 2.

²⁹ See *Ibid.*, 666.

³⁰ *Ibid.*, Anhang I, 5 (Gerædnes betweox Dunsetan): ...sy he begen-boren, sy he ceorl-boren...

³¹ *K. O. D.*, No. 90 (716-43). Uhtred's grant to Æthelmund (767) conveys five tributaria. *K. O. D.*, No. 117.

³² In many instances the lands were formerly held by the grantee's father.

³³ *H. E.*, II, 18. Cf. Freeman's view of the earlier assemblies. *N. O.*, I, 67 ff.

Cefi belonged to the royal court as king's priest. Bede is not explicit on this point: but Alfred understands the phrase *nullus tuorum* to mean *nullus tuorum ministrorum*, and accordingly translates it 'none of thy thegns;' he regards Cefi as a king's thegn.

It may be that after the establishment of Christianity the Christian bishop, who usually stood close to the king, "stepped into the position of the heathen priest; when dioceses multiplied the new bishops may have been accorded the same privileges as the earlier ones. Along with the ecclesiastics and other dignitaries an indefinite number of *ministri* came to the council. These were probably designated by the king.³⁴ That the king controlled the membership of the assembly appears from the fact that priests were admitted to Edward's *witenagemot* but excluded by his successors.³⁵ Some kings admitted abbots, others did not. Nor does it seem necessary that the same *ministri* be in attendance from reign to reign. In one reign the attendance might be large; in the next small. The high-water mark was reached in Æthelstan's day, when more than fifty *ministri* attended a gemot.³⁶

The institution of thegnship in the older sense seems to have wholly disappeared in the reign of Cnut. The name indeed remained, but apparently its application was limited to a class of men holding land by a peculiar form of tenure. And frequently the title is used so loosely in Cnut's documents as to justify the statement that to the Danes and their king thegn did not mean a member of the native nobility, but simply a subject, as it did in the North. In a royal writ from the early years of his reign, Cnut addresses all freemen as thegns *twelf-hynde and twi-hynde*,³⁷ and his classification of thegns into those nearest the king and 'lesser thegns'³⁸ suggests the elaborate system of classes that prevailed in his other kingdoms, especially Norway, where the

³⁴Kemble seems to think that every freeman had a theoretical right to attend the witenagemot. *Sax. in Eng.*, II, 201. The same view in a more extreme form is presented by Freeman. *N. O.*, I, 68, 69, and Appendix Q. Stubbs apparently holds that the *ministri* who attended the council were nominated by the king. *O. H.*, I, 135, 140. Cf. Gneist, *Englische Verfassungsgeschichte*, 81-84.

³⁵There can be little doubt that such documents as Nos. 337, 1082, 1084 (others could be cited) in Kemble's collection were issued at meetings of the witan.

³⁶*K. O. D.*, No. 353 (981). See also No. 364 (984). Cf. Stubbs, *O. H.*, I, 140.

³⁷*K. O. D.*, No. 731 (1018-20): Cnut cing gret Lyfing arcebiſceop and Godwine biſceop and calle mine egnas twelfhynde and twi hynde freondlice.

³⁸*Laws of Cnut*, II, 71: 1, 2, 3.

earliest codes recognize six intervening classes between the king and the serf.³⁹ We are safe in affirming that the thegn was not regarded as a member of Cnut's household: as guardian of the king's person and perhaps of the royal interests throughout the realm, the house-carle had taken his place.⁴⁰ We have, however, passed the point where a discussion of thegnhood with reference to the royal court can be a fruitful one.

Before the Danish invasion, however, the *ministri* were something more than great landed proprietors with certain military obligations; they composed an aristocracy bound to the king by peculiar personal ties and forming an extension of his court into the various parts of his kingdom. From the humbler realms of household service, the order had risen, first to the plane of honor as a royal *comitatus*, and next to the plane of influence as a landed nobility. In the days of its prosperity it formed the great outer circle of the royal service. But there was also an inner circle of thegns whose duties kept them in constant attendance at the palace. These officials will be the subject of the chapters following.

³⁹See Munch, *N. F. H.*, I, 1, 148.

⁴⁰The house-carles will be considered in a subsequent chapter.

CHAPTER IV.

THE KING'S REEVE: *PRAEFECTUS REGIS*.⁴¹

At the beginning of the seventh century there seems to have been no distinction, in the Kentish kingdom, between local and central authorities. From the language used in the Laws of Æthelbirht, we should infer that the king was in direct contact with his people, that the ruler summoned the folk to the royal vill and dealt out justice in person.⁴² But soon a shadowy official emerges, a sort of an intermediary between the lord and the people. The king's reeve may be as old as the English kingship, but we catch our first glimpses of him about the year 700.⁴³

That the reeve was a household official in the narrower sense of the term seems to be apparent from certain allusions in the earliest sources; that he at times acted in a more public capacity seems equally clear. But in the early part of the eighth century it is difficult to draw the line between what relates to the management of the royal domicile and what may be called public administration. As the *gerefa* of later Anglo-Saxon history was a local functionary, the question naturally arises whether the early *praefectus* is not the later *praepositus*, *scir-gerefa* or sheriff. We shall have to consider this possibility before proceeding further.

⁴¹As the historic development of the royal reeveship differs in many important respects from that of the other household officers, I have preferred to treat the subject in a separate chapter.

⁴²C. 2: Gif cýning his leode to him gehateð and heom mon þær yfel gedo, II bote and cýninge L scillinga. See also *Laws of Hloþar and Badric*, 7. Recovered stolen property was to be brought to the king's hall, "to cýnges sele," whenever possible. The same custom of royal judgment seems to have been the ruling one in Mercia. See *K. O. D.*, Nos. 210 (816) and 1023 (796-821).

⁴³For the subject of the king's reeve see Kemble, *Sax. in Eng.*, II, 169-71; Stubbs, *O. H.*, I, 372; Green, *Conqu. of Eng.*, 229, 524; Schmid, *Genesse*, 597. In none of these discussions are any satisfactory conclusions reached, mainly because the subject is usually studied from the point of view of the shire organization.

To have a shire-reeve we must have a shire, a more or less definite territorial circumscription within which the reeve exercises certain recognized authority. But to show that such an administrative area existed before the reign of Alfred is exceedingly difficult. *Scir* is an old word in Anglo-Saxon, but its territorial significance is not the most ancient. The earliest meaning that we can distinctly make out is official duties or functions.⁴⁴ In the Erfurt Glossary, which probably dates from the seventh century, *scir* is used to translate *procuratio*.⁴⁵ The word frequently appears in Alfred's version of Bede's history, but nearly always with an ecclesiastical significance. Sometimes it refers to the duties and functions of an office,⁴⁶ sometimes to the territorial limits within which these are exercised.⁴⁷ Bede's *provincia* is almost universally translated *mægþ*, a word with a tribal rather than a territorial meaning.⁴⁸ The fact that *scir* occurs almost everywhere in the Chronicle merely proves that such administrative areas existed at the time of its compilation, which can hardly have antedated Alfred's reign. More pertinent are certain chapters in the Laws of Ine. But the judge or *scirman*⁴⁹ alluded to in the first of these may be an official in the general sense, one who holds a *scir* or office. The threat that an ealdorman might lose his *scir*⁵⁰ would at first sight appear to prove the presence of a shire in Wessex as early as this reign (688?–726?). In later Saxon times the ealdorman may have been the highest official of the shire, but an examination of the use of the term in early English documents shows the impossibility of arguing from the use of this title. Any person invested with authority might be called

⁴⁴The Roman term *provincia* has a similar history. It first signified official functions; later it was applied to the area over which an official exercised a delegated authority. See Marquardt, *Römische Staatsverwaltung*, I, 497–98.

⁴⁵Sweet, *Oldest English Texts*, 82. For the probable date of the glossary see *Ibid.*, 2, 624.

⁴⁶*Scir* or *bisceopscir* is used to translate *episcopatus* (III, 21), *praesulatus* (V, 19), and *cura episcopi* (IV, 27). *Cura monasterii* is rendered *mynsterweir* (V, 19).

⁴⁷Such as *parrochia* (IV, 13) and *diocesis* (IV, 1).

⁴⁸The passage in which Bede narrates the conversion of the prefect of Lincoln ("praefectumque Lindocolinae civitatis . . . convertit ad Dominum," II, 16) might seem to point to a shire-reeve; but Alfred disposes of the suggestion by rendering the phrase, "Lyndecele ceastre gerefan." Ceaster is the Anglicized form of *castra* and signifies a city of some importance. This prefect cannot have been anything but a city-reeve, burg-reeve, or port-reeve.

⁴⁹C. 8.

⁵⁰C. 36:1.

an ealdorman.⁵¹ The specific meaning that the word had in the tenth century did not appear till after the time of Alfred.⁵² The legal provision referred to may mean only that a derelict official should lose his office. A stronger argument for the existence of an early shire is found in chapter 39 of the same laws, which deals with illegal moving from one shire to another. It must be remembered, however, that Ine's laws have come down to us in the form in which they were reënacted by Alfred.⁵³ While we cannot prove that they were changed to any extent, it seems likely that two intervening centuries would make it necessary to adapt the language to changed conditions. But even if we concede the existence of shires in Wessex before 700, we have no evidence whatever on which to base an argument for its existence in Northumbria or elsewhere. In his account of King Edwin's itineraries, Bede states that he traveled extensively *inter civitates sive villas aut provincias suas*.⁵⁴ Alfred translates this phrase thus: *betwryh his hamum oppe be tunum*. Here would have been an excellent opportunity to use *scir*; but here as elsewhere it is wanting.

The possibility remains that the prefect may have been the chief of a more strictly local organization⁵⁵ such as the hundred. But to prove the existence of a hundred in this early period is even more difficult than to show that the shire existed. Henry Adams⁵⁶ and Emil Hildebrand⁵⁷ have suggested that the phrases *in loco* and *in regione*, frequently used in determining the location of lands, may refer to hundreds. But Steenstrup, after examining the language of the charters cited to support this view, concludes that, these terms are purely geographical, not political.⁵⁸

⁵¹In Alfred's translation of Bede's history, *subregulus*, *primus dux*, *dux regis*, *princeps*, *tribunus*, *patricius*, *praepositus* (of a monastery), *optimas*, *major natu*, *satrap*, are all called ealdormen. See I, 7, 13, 18, 84; II, 13; III, 8; IV, 12, 15, 23. The *villicus* who was Cædmon's master ("qui sibi praeerat") is also spoken of as an ealdorman (IV, 24); similarly the elders (*maiores*) of a monastery (V, 19) and the chief men of a byrig (IV, 25).

⁵²As shown in the above note.

⁵³See Schmid, *Gesetze*, Einleitung, XXVII.

⁵⁴H. E., II, 16.

⁵⁵He could not have been a town-reeve as that official is usually called a *villicus*; Bede uses that title several times.

⁵⁶*Essays in Anglo-Saxon Law* (Boston, 1876), 1-22.

⁵⁷*Engelska Samhälleförhållanden*, 58.

⁵⁸Steenstrup, *Danelag*, 80-81. The author shows that the regio in but a few instances corresponds to a later hundred. He thinks these became hundreds in later times. He also shows that several of the regiones are too large areas to be hundreds, such as the regio Kent. See K. C. D., No. 1019.

An examination of Alfred's Bede materially strengthens this view. *Locus* is usually translated *stow*, the common Old English word for place, *regio* is frequently rendered *land*.⁵⁹ Thus, *in regione Sudergeona* becomes 'in Surrey land.'⁶⁰ Surrey could hardly have been a hundred only. For *regio* in the phrases *in regione Nordanhymbrorum*⁶¹ and *in regione quae vocatur Infeppingum*,⁶² Alfred uses not *land* but *peodland*, the land of a people or tribe. When a word is used for such large areas as Kent, Surrey and Northumbria, it seems impossible to maintain that it is the technical Latin term for the Old English hundred.

Praefectus, like its Anglo-Saxon equivalent *gerefa*, is a very general term: the reeve was merely a deputy, one whose authority is all derived from a superior. Any owner of a large estate might have and doubtless did have a reeve to whom the management was largely entrusted.⁶³ *Gerefa*,⁶⁴ an Anglo-Saxon text from the reign of Æthelred, is devoted to the duties of such a manorial official. There is nothing in the document that could suggest to us that the reeve under discussion might be the official of a shire; and yet he is called a shire-man, *scyrman*,⁶⁵ and 'the one who holds the shire.'⁶⁶ The king, as the greatest landowner of the realm, would be in special need of such a deputy. The author of the poem *Genesis*, who regards Abraham as but little less than a king, calls his steward Eliezer his *gerefa*.⁶⁷

The earliest mention of the king's reeve in the laws is in Ine's code which dates from the same period as the *Genesis*. 'If the theft be a night old, let those who have seized him [the thief] atone for the guilt on the terms they may be able to arrange with the king and his reeve.'⁶⁸ In this case the reeve seems to be

⁵⁹"In regione quae vocatur Loidis:" "on þam lande þe Loidis is haten" (II, 14); "in regione Gyrflorum;" "on Gyrwan lande" (IV, 6). (In a list of territorial names found in a tenth or eleventh century manuscript, the Gyrwas are represented as containing 1,200 hides. Birch, *Cartul.*, No. 297.) The island of Ely is also called a *regio*; in the translation we find "Elig þæt land." (IV, 19).

⁶⁰....on Subrigena lande. (IV, 6.)

⁶¹V, 12; ...on peodlande Norþanhymbra.

⁶²III, 21: ...on þam peodlande þe is nemned on Feppingum.

⁶³A "praefectus episcopi nomine Hocca" is mentioned in Eddi's *Life of Wulfred*, written ca. 710. *Hist. York*, I, 29.

⁶⁴Published with a commentary by Liebermann in *Anglia*, 9:251-66.

⁶⁵Swa seal god scyrman his hlafordes healdan (p. 260).

⁶⁶Hode sebe scire healde.... (p. 259).

⁶⁷Li. 2181, 2186.

⁶⁸C. 73:Swa hle geþingian mægen wið cyning and his gerefan.

acting with the king in assessing fines, a duty which naturally would fall to him as the royal steward. In the Laws of Alfred there is a significant passage relative to prisoners who are brought to the king's vill:⁶⁹ '...and let his kinsmen feed him if he himself have no meat.'⁷⁰ If he have neither meat nor kinsmen, let the king's reeve feed him.'⁷¹ It is hard to believe that there was at this time a public as well as a private treasury at the royal vill. And if there were no public funds, the reeve would have to draw on the supplies of the king's own household. The inference is that the reeve was in charge of the king's vill.⁷² That such a functionary really existed is shown in a document recording a grant of land by Archbishop Æthelweard in 805. The lands in question had been given originally by 'a certain good man, Aldhelm by name, who was prefect of the royal vill in this famous state [Kent].'⁷³

Thus far we have considered the reeve as an official whose functions were fiscal in the main. But he might have other duties. From the materials presented above it will be seen that the reeve assisted in certain judicial matters. In one instance a prefect was sent as ambassador across the Channel. When the Kentish king heard of the coming of Theodore of Tarsus, 'he immediately sent to him Redfrid his reeve (*praefectum suum*) to bring him across.'⁷⁴ But this same official might also be employed as a military chief. We read of prefects holding important military strongholds at Dunbar and Bromnis.⁷⁵ In 710

⁶⁹This law refers only to such as have been unfaithful to vows.

⁷⁰C. 1:2.

⁷¹C. 1:3: Gif he mægas næbbe oððe ðone mete næbbe, fede cynlinges gerefa hine.

⁷²That the prefect was intimately connected with the royal court appears from a passage in the *Chronicle* for 787. We read of a gerefa who rode down to the shore to meet the Norse pirates and, not knowing who they were, tried to drive them to the king's vill: "se gerefa þær to rad and hie wolde drifan to þæs cynges tun." He is not called the king's reeve, but the context would lead us to believe that he was such an official. Æthelweard calls him exactor regis. Kemble understands this to mean that he was a burggrave. *See in Eng.*, II, 171. But Æthelweard, who wrote two centuries after the fact, probably used a term which came nearest describing the functions of the reeve in his own day. A prefect in the earlier sense of the word perhaps did not exist when he composed his *Chronicle*.

⁷³*K. O. D.*, No. 189: Hanc praenominatam terram quidam homo bonus, nomine aldun, qui in hac regali ulla inlustis civitatis praefectus fuit....tradidit.

⁷⁴Bede, *H. E.*, IV, I.

⁷⁵*Hist. York.*, I, 51, 52, 54. Eddi's Life of Wlfrid. It is not sure, however, that Eddi's use of the word prefect is in line with that of Bede or the charters. It seems more likely that he has a more purely military officer in mind. Still,

Berctfrith, a prefect, led an army against the Picts.⁷⁶ As Osred ruled in Northumbria at that time, Florence calls this general *Berhtfrith regis Osredi praeffectus*.⁷⁷ Wulfheard, who is spoken of as a prefect in one of Egbert's charters,⁷⁸ is mentioned twice in the Chronicle as a military leader; in 823 he invaded Kent at the head of a large army; in 837 we find him opposing the Danes.

The prefect begins to appear among those who witnessed the royal grants soon after the beginning of the eighth century. Usually only one prefect signs; so generally is this true that a document bearing several such signatures looks suspicious. Twenty-seven charters dated before the accession of Egbert (824) are signed or seem to be signed by one prefect or more. Of these, nine must be rejected as forgeries or at least considered doubtful.⁷⁹ Nearly all of these nine are signed by more than one prefect.⁸⁰ Of the remaining eighteen, thirteen are witnessed by only one such official.⁸¹ Of the other five one most probably is signed by presbyters and not by prefects.⁸² Another appears to me to be spurious.⁸³ A third affords no means of determining whether it be genuine or not.⁸⁴ Cynewulf's grant of 778 is too

the strongholds are spoken of as "urbes regis." Dunbar is located on what was then the Scottish frontier not far from Edinburgh, and was doubtless an important frontier fortress. Bromnis has not been located. Bebbanburgh has been suggested and also Brunanburgh. Baine (*Hist. York*, I, 51, note) suggests Broomridge.

⁷⁶ Bede, *H. E.*, V, 24: Berctfrid praeffectus cum Pictis pugnavit.

⁷⁷ I, 48.

⁷⁸ *K. O. D.*, No. 1081.

⁷⁹ They are all marked with an asterisk by Kemble.

⁸⁰ Three are signed by one prefect (*K. O. D.*, Nos. 93, 145, 985); five by more than one (Nos. 73, 102, 148, 174, 178); and one by two praepositi (No. 187).

⁸¹ *K. O. D.*, Nos. 86, 89, 108, 114, 121, 122, 127, 137, 152, 168, 1006; Birch, *Cartul.*, Nos. 208, 1834.

⁸² The abbreviations p., pr. may mean presbyter, princeps, or praefectus. As the document in question (*K. O. D.*, No. 156) is an agreement between a bishop and one who lays claim to episcopal lands and is issued at a synod, I conclude that the signatures referred to are presbyterial. Excepting the king, all the witnesses are churchmen.

⁸³ Birch, *Cartul.*, No. 1831. This charter, dated 739, has an extensive preamble and boundaries in Saxon, which are unusual circumstances in this early period. The Saxon is the idiom of the tenth century rather than of the eighth. The copy dates from the eleventh century. However, the editors of the *Crawford Collection of Charters* (Preface, VIII) pronounce it "apparently genuine."

⁸⁴ *K. O. D.*, No. 181. The original grant of Offa to Aldred seems genuine. But immediately after this follows Aldred's grant of the same lands to a church in Worcester. The only signatures are those of Aldred and three prefects. In the text they are called principes. Two of them witnessed a charter of the following year but no titles appear. The fact that the subregulus of the Hwiccas has three prefects is itself a suspicious circumstance.

mutilated to permit a final decision.⁸⁵ Aside from the great variety of titles joined to the signatures in Beorhtric's charter, there is nothing unusual about it. It is signed by two prefects.⁸⁶ The charter was issued by the king of Wessex not later than 790. A generation after, when Egbert was ruling, there were many prefects in that kingdom. Some of the grants of the great overlord are signed by four or five.⁸⁷ But the expansion of Wessex seems to have been fatal to the importance of the reeve. After Egbert's time there is not a solitary charter of genuine appearance that is witnessed by such an officer, till we reach the eleventh century; and the prefects of the Confessor's day were wholly different officials.

It is, indeed, possible that the English kings had more than one reeve before the rise of Wessex, but the charter evidence for such a statement is extremely weak. Nor can we base anything on the use of the plural in the inhibitory clause,⁸⁸ for the plural of *rex* is used as well as that of *praefectus*.⁸⁹

As to the tenure of the prefect's office, we know nothing definite. Of the individual reigns only those of Offa and Egbert give us any information on this point. In a Mercian charter of 775 or earlier, we find the signature of Eadbald *praefectus et princeps Offae regis*.⁹⁰ In 772 we meet an Emele *praefectus*.⁹¹ Two years later Brorda signs as prefect.⁹² In 779 the title is again affixed to Eadbald's name.⁹³ The next year Brorda is again *praefectus*.⁹⁴ There is a grant dated 784 to Esme *comiti praefectoquo meo*.⁹⁵ A charter of 788 and another of 796 are both signed by the prefect Brorda.⁹⁶ We thus know of four men

⁸⁵ *K. O. D.*, No. 183.

⁸⁶ *Ibid.*, No. 158.

⁸⁷ See *K. O. D.*, Nos. 1031, 1033, 1035, 1036, 1037, 1039. The last is undated; the others are from the years 824, 825 and 826.

⁸⁸ *Siquis uero regum aut principum uel praefectorum... conscriptam... frangere... temptauerit*. A representative formula from before 840. *K. O. D.*, No. 242.

⁸⁹ Similarly, the *nullus praefectorum* of Bede's *Epistola* (*Opera* II, 219) needs not be interpreted as meaning several contemporaneous reeves; it may mean several successive ones.

⁹⁰ *K. O. D.*, No. 127. Before this he usually appears as *dux*.

⁹¹ Birch, *Cartul.*, No. 208. This is a grant of Sussex lands and Emele may have been the royal representative in that region.

⁹² *K. O. D.*, No. 122. No. 121 has Brorda *princeps*.

⁹³ *Ibid.*, 187.

⁹⁴ Birch, *Cartul.*, No. 1834.

⁹⁵ *K. O. D.*, No. 147.

⁹⁶ *Ibid.*, Nos. 152, 168.

who held the office during Offa's reign.⁹⁷ This evidence necessarily leads to one of two conclusions: Offa either had more than one reeve at the same time, or for some reason limited the term of office to a few years only. I am inclined toward the former view. The extension of Offa's authority over the neighboring small states may have called forth a plurality of reeves very much as among the Merovingian Franks there finally appeared several mayors of the palace, one for each of the leading divisions of the monarchy.⁹⁸ Furthermore, a period usually comes in the history of every court, when the same official dignity is given to several men. The charters issued by Egbert, the next great overlord, present a somewhat different aspect. Offa's grants were never witnessed by more than one prefect; Egbert's usually have the signatures of several such officials, five being apparently the normal number. The notable thing is that some of these prefects later appear as *duces*.⁹⁹ What the ducal office was during the early part of the ninth century has not yet been determined; but it seems likely that the holder was a military chief.¹

The position of king's reeve was evidently not only an important but also a lucrative one. As early as Bede's time, we find the prefects amassing great fortunes.² They frequently received landed gifts, such as the transfer of twenty-two hides to Wulfheard in 824.³ Still, as a rule, the estates granted to such officials of which we have any record were not large. From the early part of the ninth century we also have the will of Abba, a Kentish reeve, which shows him to have been a man of great

⁹⁷Eadbald, uncertain date, 757-775, 779; Emele, 772; Brorda, 774, 780, 788, 796; Esme, 784.

⁹⁸See Waits, *D. V. G.*, II, 2, 88.

⁹⁹In 824 Egbert gave Wulfheard, his prefect, twenty-two hides of land. *K. C. D.*, No. 1031. The next year Wulfheard is a *dux*. *Ibid.*, Nos. 1035-1038. Burhard, who was a prefect in 825 (*ibid.*, Nos. 1033, 1035) is a *dux* in 826. *Ibid.*, Nos. 1036-1038. The prefect Alhstan also became a *dux* that year. *Ibid.*, Nos. 1037, 1038.

¹There seems to be no doubt that there had been a century earlier a military official called heretoga or *dux*.

²Bede, *Opera*, II, 219. *Epistola ad Egbertum*. The author here complains of the purchase of monasteries by the prefects. See also p. 218, where the general practice is described and denounced.

³*K. C. D.*, No. 1031.

wealth.⁴ The prefect was, it seems, frequently, perhaps always, chosen from the aristocracy.⁵

To draw any satisfactory conclusions from the materials at hand seems almost impossible. As we cannot accurately determine the scope of the terms used, we are in constant danger of admitting as evidence facts that bear no relation to the subject before us. There seems, however, to have been a court-official in the eighth century whose functions, though primarily fiscal, might be and were extended as exigencies demanded. The original reeve probably had the royal estates in his charge in the same manner as the *gerefa* of later date. Most naturally, then, matters of fines, as part of his lord's income, would come under his superintendence. From this the step is but a short one to the actual assessment of fines. The same would apply to the collection of such dues and taxes as existed at the time. The growth of these at first rather unimportant functions may explain the change of this official from chief of the royal household to royal representative in the shire.

The Old English reeveship is no doubt analogous to the office of the Merovingian *major domus*,⁶ though the prefect never attained the importance of that dignity except in one known instance. About the year 705, the Northumbrian king Eadwulf was deposed and Osred, a boy (*puer regius*) of only eight years, was raised to the kingship.⁷ In the first year of his reign, a synod was held at which a communication from the Pope was heard. After the reading of this letter 'all being silent, Berthfrith, the lord next to the king in authority,' asked the archbishop to interpret it.⁸ At the close of the deliberations this same

⁴Thorpe, *Diplomatarium*, 469-74. *K. O. D.*, No. 285.

⁵Abba gerefa's wergeld was 2000 thryms (1200 scillings), the worth of a king's thegn. The prefect of Bromnis was a comes. *Hist. York*, I, 52. Eadbald, who witnessed a number of Offa's grants, was "praefectus et princeps offae regis." *K. O. D.*, No. 127. One Ingeld was "dux et praefectus Æðelbaldi regis Merciorum." Birch, *Cartul.*, No. 208. A Kentish charter has the "Signum manus Eg-baldi comitis atque praefecti." *K. O. D.*, No. 114. Esme was Offa's comes and prefect." *Ibid.*, No. 147. See also Birch, *Cartul.*, No. 448.

⁶Such is also Stubbs' opinion. See *C. H.*, I, 372. But Stubbs is in error when he identifies the earlier prefect with the later heah-gerefa.

⁷*Hist. York*, I, 89. Bede, *H. E.*, V, 18.

⁸*Hist. York*, I, 90: Post lectionem, cunctis tacentibus, Berthfrithus, secundus a rege princeps, ad archiepiscopum dixit: "nos qui interpretatione indigemus, quid Apostolica auctoritas dicat audire delectat."

princeps declared the will of the king and his princes.⁹ He is the only one whom the narrator represents as speaking among the secular lords. His position in the synod seems on the level with that of the archbishop. Still earlier he seems to have led Osred's forces in the revolt against the wicked Eadwulf. But this same Berthfridus is doubtless the Berctfrid whom Bede calls a *prae-fectus* and who led the Northumbrian forces against the Picts in 710.¹⁰

That there were several of these prefects in some of the kingdoms toward the close of the eighth century seems evident. Apparently the importance of the office decreased as the number of holders increased. In the next century, the prefect disappears from among the charter witnesses; his title also gradually disappears from the inhibitory formulas.¹¹ After the accession of Alfred reeves multiply. Some are clearly at the head of shires, or towns, or boroughs; others appear to have control of royal estates.¹² The relative positions of these different classes of reeves is not so easily determined; nor does the subject lie within our field at present.

One of these, however, we cannot pass by: the high-reeve. This officer is mentioned several times in the sources, but the nature of his office is very obscure.¹³ The first mention of a high-

⁹ *Hist. York*, I, 91: Haec ea loquente, Berechfrithus, praefatus regis princeps, respondens dixit: "Haec est voluntas regis et principum ejus ut mandatis Apostolicae sedis...obediamus."

¹⁰ Bede, *H. E.*, V, 24.

¹¹ When the prefect reappears in the tenth century charters, it is as shire-reeve.

¹² After a festival at Ramsey dux Æthelwin called a local council at which Saint Oswald was received by "cunctis praefectis et militibus miro affectu." *Hist. York*, I, 465. Life of St. Oswald; an almost contemporary biography. At Edgar's coronation were present "cuncti duces, praefecti et iudices." *Ibid.*, I, 436. He is praised and honored by 'pious dukes, famous thegns (militibus) and wealthy prefects.' *Ibid.*, I, 438.

¹³ Kamble doubts that the office of high-reeve ever existed. He thinks the title was probably equivalent to that of the shire-reeve (*Sas. & Eng.*, II, 157, note); he also suggests that the high-reeves may have been employed as *missi dominici* (p. 156). Stubbs holds that the offices of prefect and high-reeve were identical: "The first of these [major] answers to the praefectus or heah-gerefa of the Anglo-Saxons." *O. H.*, I, 372. Green looks on the high-reeve as a most important and exalted official. "A second stage in the progress of kingly rule was marked by the creation, under Æthelred, of the high-reeve, the first effort of the crown to create a minister of state, a deputy of its executive and judicial power beside the hereditary ealdormen, etc. Fiercely opposed, this institution became permanent under Cnut in the "vice-royalty" of Godwine; under the Confessor in that of Harold; and from it, under the Norman kings, sprang the justiciar." *Conqu. of Eng.*, 524.

reeve is in the Chronicle for the years 778 and 779. The office, therefore, must have existed at the time of the compilation of this work, or prior to 900. Not knowing the sources of the Chronicle for this period, we can know neither the name nor the nature of the office that the Wessex historian calls *heah-gerefa*. But as the occasion was that of a revolt followed by dynastic changes, we should infer that the high-reeves who were slain at that time were military officials.

Literally translated *heah-gerefa* is high-reeve or better arch-reeve. From the title we should infer that the high-reeve bore the same relation to the reeves as the archbishop to the bishops. This, however, cannot be shown. But they manifestly were reeves of higher rank. In the North-people's Law, the wergeld of a high-reeve is placed at half that of an ealdorman and double that of a thegn.¹⁴ Nowhere else is there any indication that the reeve had a wergeld of his own; in the only instance known to me where his worth is mentioned, it is the same as that of the thegn.¹⁵ It is significant that this officer is called the king's *heah-gerefa*, while the word *cyninges* does not appear before the titles of the ealdorman or the thegn or any of the other classes mentioned in the same connection.

In one of Eadred's charters we find the signature of *Osulf heahgerefa*.¹⁶ Three years later we find a document signed by *Osulf bebb*,¹⁷ and another witnessed by *Osulf ad bebb. hehgr*.¹⁸ Perhaps the meaning is that Osulf was high-reeve at Bebbanburh, a fortress of great importance in Northumbria.¹⁹ Half a century later the Chronicle records the death of a number of Æthelred's chief men among whom were 'Æthelweard, the king's high-reeve...and Leofric from Whitechurch and Leofwine the king's high-reeve.'²⁰ Later in the same year we find 'Kola the

¹⁴The date of this law cannot be definitely fixed, but it cannot be much later than 900, as it supposes the existence of the 'holds' a landed aristocracy of Norse origin, which, however, soon seems to have disappeared from England. See Schmid, *Gesetze*, Anhang VII, 2:4; Einleitung, LXV.

¹⁵See Abba Gerefa's will, *K. O. D.*, No. 235.

¹⁶*Ibid.*, No. 411 (A. D. 948).

¹⁷*Ibid.*, No. 426.

¹⁸*Ibid.*, No. 424.

¹⁹Slimeon of Durham, *Historia Regum*, II, 45: *Bebba vero civitas urbs est munitissima, non admodum magna, sed quasi duorum vel trium agrorum spatium, habens unum introitum cavatum et gradibus miro modo exaltatum.*

²⁰1001: And ðær wearð Æðelweard heah-gerefa (!) ofalegen and Leofric æt Hwitcircean and Leofwine cinges heahgerefa.

king's high-reeve and Eadsige the king's reeve opposing them [the Danes] with the [English] host."²¹ The juxtaposition of reeve and high-reeve clearly indicates a difference in their official dignities. The following year the ealdorman Leofsige slew Æfic, the king's high-reeve.²² In a charter dated 1012, Æthelred speaks of Æfic as his prefect and *primas inter primates meos*.²³ Thus we have several titles referring to the same person, all indicating an exalted station. With the exception of Æfic of whom we can affirm nothing, the high-reeves of Æthelred's reign seem to have been military leaders.

In the Blickling Homilies from the same period, the title is used as we at present use the word ruler in an exalted though general sense.²⁴ The term is applied to Biblical officers concerning whose functions the homilist could have no adequate ideas. The same is true of Ælfric's use of the word. He very frequently calls the prefect of the city of Rome a high-reeve.²⁵ We should be greatly in error were we to imagine from this that this office was thought similar to that of an English port-reeve. The governor of the Eternal City, the center of Christendom and the capital of the world, could not be a ruler of ordinary dignity. The homilist also speaks of high-reeves who were sent out by the emperor to govern distant regions.²⁶ In Ælfric's glossary the term *heah-gerefa* stands for *legatus* and *proconsul*.²⁷

²¹ And þær was Kola ðæs cyninges heah-gerefa and Eadsige þæs cyninges gerefa togeanes him mid ðære fyrde. . . .

²² A.-S. Chron., 1002. *Flor. Wtg.*, I, 155-56: . . . nobillem virum Eafic, summum regis praepositum occidit.

²³ K. O. D., No. 719: Nam praefectum meum Æficum quem primatem inter primates meos taxavi non cunctatus in propria domo eius eo inscio perimere. . . .

²⁴ See pp. 171:17, 177:14.

²⁵ When Gregory protested to the emperor against his election to the papacy, Germanus, the emperor's high-reeve—"ðæs caseres heah-gerefa"—destroyed the letter. *Homilies* II, 122. Germanus seems to have been praefectus urbis. In the Passion of Saint Sebastian we are told of a high-reeve Chromatius 'who ruled the city of Rome under the emperor.' *Lives*, I, 126. Cf. *Ibid.*, p. 118. Sempronius, the prefect of Rome, is called heah-gerefa throughout the homily on Saint Agnes. *Ibid.*, I, 170 ff. Nero's high-reeve Agrippa advised and urged the execution of Saints Peter and Paul. *Homilies*, I, 382. The high-reeve mentioned in the homily on Saint John was also a city official. *Ibid.*, I, 72-74. See also *Ibid.*, pp. 416-36.

²⁶ Domitian sent one Sisinnius, a high-reeve, 'a very fierce devil with many companions' to the Frankish kingdom.' *Lives*, II, 182, St. Denis. Commodus sent Philippus to govern Alexandria and made him high-reeve over all Egypt. *Ibid.*, I, 24-26. Other illustrations could be produced.

²⁷ *Vocab.*, 114:40; 183:29.

There can be no doubt that there was, during the period of Saxon ascendancy, an office that might be called a high-reeveship. The incumbent was more than a common reeve as appears from his *wergeld*. He is the king's high-reeve and as such was perhaps the highest appointed officer in the realm.²⁸ As to his functions, two significant facts are brought out: in nearly every case do we find him exercising military authority or at least connected with movements that are distinctly warlike; the high-reeves of the homilies were officials appointed directly by the emperor and sent to govern important cities and large outlying regions. Together these facts point to a dignity somewhat like that of the Carolingian *markgraf*.²⁹ The only English region that might require the rule of such an official would be the North-country or Danelaw. It is by no means unreasonable to suppose that the rebellious Danes were allowed less local self-rule than their fellow-subjects south of the Thames. In this connection it is also interesting to note that nearly all the definite instances of an English high-reeveship are Northumbrian.³⁰ It should be added, that this officer does not appear until after the prefect has disappeared. It seems most likely, therefore, that the high-reeve's office is a relic of the prefect system of the eighth century, and that as such it continued in part the functions of the earlier king's reeve. The suggestions that it might correspond to that of a *missus*, a mayor of the palace, or a modern viceroy have no support in the sources.

²⁸ Unless we regard the ealdorman as an officer receiving his appointment from the king.

²⁹ Cf. Waltz, *D. V. G.*, III, 369 ff. For a somewhat similar view to the one advanced above, see Ramsay, *Found. of Eng.*, I, 355. The author, however, does not discuss the general subject.

³⁰ *A.-S. Chron.*, 778, 779; Schmid, *Gesetze*, Anhang VII, 2, 4; *K. O. D.*, Nos. 411, 424, 426. The high-reeves mentioned in the *Chronicle* for 1001 were with the royal army and cannot be located in any particular part of the kingdom.

CHAPTER V.

THE SECULAR DIGNITARIES OF THE ROYAL HOUSEHOLD.

The members of the royal court were, as we have already seen, usually called thegns. All these, however, were not of equal rank. What marked the distinction in earlier times we do not know; but the use of such terms as 'high-thegn' and 'ruling-thegn' clearly indicates that all the king's men were not equally high in royal favor.⁸¹ In time certain offices arose within the household, the relative importance of which formed a basis for grouping the membership. At first these offices can not have ranked very high,⁸² but they gradually grew in dignity and their holders became possessed of great power, though the development in this direction did not go so far among the Anglo-Saxons as among the Franks.

At the court everything centered about the king's own person. In him all power resided, though at times he might share it with certain members of his immediate family. Of these we should first of all think of the queen. Her position, however, is not very clear: in *Beowulf* we find her seated beside the king,⁸³ and at one time a queen actually ruled in Wessex;⁸⁴ but Asser tells us that not since the days of the great Offa had a queen sat enthroned beside an English king.⁸⁵ Ælfric states, in his homily on Queen Esther, that the king ordered his men to fetch Vashti—that she should come to him wearing her royal helmet, as such was their custom, that the queen wore a royal helmet on her

⁸¹ *Satan*, 66; *Menologium*, 130; *Beow.*, 1808; *Judith*, 242.

⁸² It appears from the etymology of such words as *seneschal*, *beerschal* and *marshal* that these offices were originally held by slaves.

⁸³ *Beow.*, 641.

⁸⁴ *Sexburh. A.-S. Chron.*, 672.

⁸⁵ *Petrie's Monumenta*, 471.

head.³⁶ The Anglo-Saxon word for crown or its equivalent is *cynehelm*, king's helmet. The passage is significant, as it necessitates the inference that the English queen, even as late as the year 1000, was not crowned. But there are indications that the Anglo-Saxon queens had somewhat extensive households of their own.³⁷

The position of the royal princes is as indefinite as that of the queen. That the king sometimes associated the heir-apparent with himself in the government is a well-known fact,³⁸ but such can hardly be called the rule. The princes evidently had a body of servants of their own apart from the court in general. A suggestion of this is found in *Beowulf*: the bereaved father looks in sorrow on his son's deserted banquet-hall.³⁹ Two documents from Æthelred's reign mention the seneschals of the ethelings Edmund and Æthelstan.⁴⁰ After the Conquest we find that similar privileges were enjoyed by the king's daughters.⁴¹

Passing from the royal family to the inner circle of court officials, we at once meet the question, whether the Old English kings had what may be called a *major domus*. This has been answered in part in the preceding chapter on the king's reeve. The prefect, at least in his public capacities, strikingly resembles the Merovingian major. Bede calls Ercenwald, the Frankish major domus a patrician;⁴² but we must not infer from this that all the patricians of the English sources were such mayors. William of Malmesbury cites a letter addressed by Alcuin to *Osberto patricio Merciorum*;⁴³ but most likely the title was purely an honorary one. An official that might be called a *major domus* in a limited sense as head of the queen's household is alluded to in Bede: the monk Owini came 'with the queen Æthelthryth from the kingdom of the East Angles; he was the chief of her thegns

³⁶*Bibl. der ang. Prosa*, III, 93: swa swa heora seodu was, þæt seo cwen werode cynehelm on heafode.

³⁷The translator of Bede's history (*H. B.*, II, 9) speaks of a queen's household — "þære cwenne hirede." Æthelflæd, second queen of Edmund I, in her will gives seven hides to her reeve and two hides to each of her two priests. Birch, *Cartul.*, No. 1288. Among the witnesses to one of the Confessor's charters we find a queen's butler. See *K. O. D.*, No. 813.

³⁸See Plummer, *Alfred*, 89-91.

³⁹*Beow.*, 2455.

⁴⁰*K. O. D.*, Nos. 722 and 1302.

⁴¹*Domesday*, I, 49: Golafridus filiae regis camerarius.

⁴²*H. B.*, III, 19.

⁴³*Gesta Regum*, 73.

and the governor of her household.'⁴⁴ In one of the manuscripts of Alfred's translation, he is called *oferealdorman*; in another, 'ealdorman over all her house.' This leaves us somewhat in doubt as to whether the Anglo-Saxons looked on his position as a definite office; the probabilities are that they did not. A century later, we are told that Dunstan was counted among the palatine princes—*palatino principes*—at Edmund's court;⁴⁵ but this can mean only that he was one of the king's favorites.⁴⁶ Among those whom Harthacnut sent to exhume the body of his brother Harold, Florence of Worcester names Stir *major domus*.⁴⁷ But in a charter from the previous reign we read that the abbot of Canterbury had bribed Steorra, the king's *rædesmann*, to pay him a third of the tolls at Sandwich.⁴⁸ Stir and Steorra are probably variant forms of the same name. The person in question had evidently once been one of the king's local officials. Whether he stood in any closer relation to the court later on cannot be determined.⁴⁹

We shall have to conclude that, so far as we know, a *major domus* in the Frankish sense of the word never existed in England. The king's reeve might have developed into a mayor, but some great constitutional change (perhaps the rise of the shire system) seems to have arrested the growth of his power and brought on a rapid decline. At other times, certain great ecclesiastics⁵⁰ or secular lords⁵¹ appear to have wielded the power of such an official, but the office itself did not exist. English conditions were fundamentally different from those in Frankland; the limited extent of the Anglo-Saxon kingdoms made it almost

⁴⁴ *H. E.*, IV, 3: . . . eratque primus ministrorum et princeps domus ejus.

⁴⁵ *Memorials of St. Dunstan* (London, 1874), 21.

⁴⁶ Birch prints a document (*Cartul.*, No. 1057) alluding to a "princeps domus regis" at Edgar's court; but the charter is clearly a forgery. See *Eng. Hist. Rev.*, VI, 736; Stevenson, *The Old English Charters to St. Denis*, 47.

⁴⁷ *Flor. Wtg.*, I, 194.

⁴⁸ *E. O. D.*, No. 758 (1088, Harold Harefoot). . . and begeat . . . æt Steorran þe þa wæs þes kinges rædesmann . . .

⁴⁹ The Abingdon chronicler speaks of a "major regiae domus Edricus" who acted as such in the early part of Æthelred's reign. But as the writer flourished in the thirteenth century no importance can be attached to his statement. See *Historia Monasterii de Abingdon*, I, 357; *Anglia Sacra*, I, 166.

⁵⁰ Such as Wilfrid and Dunstan. For the position of the latter see *Memorials of St. Dunstan*, 95.

⁵¹ *Hist. York*, I, 428: Dux autem Æthelstanus erat pater ejus, quem semiregem appellabant proceres omnesque populi, qui tantae potestatis extitit, ut regnum et imperium cum rege tenere sua ratione dicitur.

impossible for such an official to attain any high degree of prosperity. There does seem to have been at times a head of the royal household, a ruling thegn of some importance, but his functions must have been almost wholly palatine.⁵³

Among the worthies of the royal court, the first one of real prominence that we meet in the sources is the sage of the king's hall, the *þyle*. We find him in *Beowulf*, where his name is given and such prominence accorded him, that all sorts of conjectures have been made as to his duties.⁵⁴ So far as is known, the 'thyle' appears in no other Anglo-Saxon source;⁵⁵ consequently, our information regarding him is very meager. In a Latin and Anglo-Saxon glossary of the eleventh century, *oratores* is translated *þylæss*.⁵⁶ This probably has given rise to the idea that Unferth was Hrothgar's spokesman. But that king was abundantly able to speak for himself; in oratory he might rival Ulysses, and he even tried his hand at minstrelsy.⁵⁶

Etymologically 'thyle' is the same as the Norse *pulr*, the earliest record of which is probably found in the runic inscription on the Snoldelev Rock, which, according to Wimmer, dates from the earlier years of the ninth century (800-825).⁵⁷ The Eddic references are somewhat later.⁵⁸ From these it will appear that the characteristics of Norse 'thulship' were age, wisdom, extended knowledge and a seat of honor.⁵⁹ As to age we can affirm nothing in Unferth's case; but there seem to be other 'orators' mentioned

⁵³For a somewhat different view, see Schmid, *Gesetze*, 665.

⁵⁴The definitions of thyle given in the glossaries to the various editions of *Beowulf* are very general and non-committal. Grein considers Unferth a "Bedner." Heyne adds to this: "der Lehnsmann am Hofe, der die Unterhaltung zu führen hat." Morris and Wyatt think him "The spokesman of Hrothgar." Earle is more definite (*Deeds of Beowulf*, 126): "Unferth was not exactly a minstrel, but a superior in the same general line; orator, historiologist, raconteur."

⁵⁵Unless it be in *Widsith*, 24. Cf. *Modern Language Notes*, IV, 209-12.

⁵⁶*Vocab.*, 458:16.

⁵⁷*Beow.*, 2109-10.

⁵⁸*Die Runenschrift* (Berlin, 1887), 804, 887.

⁵⁹*O. P. B.*, I, 24. *Hávamál*, 1: Mál es at þylja þularstóll á. 'It is time to speak from the thular-stool.' *Ibid.*, I, 19: at hárum þul hlæ þu aldregi. 'Never laugh at the hoary thul.' See also *ibid.*, I, 29, 39, 62.

⁶⁰I translate the following from Jónsson's *Litteraturhistorie*, I, 79: "The word thulr originally meant a sage or orator. Aged men who had lived lives rich in experience, who had studied and learned all conditions of men, who were in possession of all the knowledge of the time as to the gods and their attitude toward the world and humanity, and who, when requested, sitting in the thular-seat, imparted their knowledge—such men were the thulir." Cf. Müllenhoff, *Deutsche Altertumskunde*, V, 288 ff. Müllenhoff rather overstates the importance of these 'orators'.

in Beowulf, one of whom, at least, was full of information and old in years.⁶⁰ Again, in the hero's account of the festivities at Heorot, we are told that 'an old Scylding, who had heard many things, told tales from afar.'⁶¹ That Unferth 'thyle' was also possessed of information from abroad appears from his circumstantial knowledge of Beowulf's swimming-match.⁶² As to his wit and abilities we have Beowulf's own testimony: 'therefore in hell shalt thou suffer damnation though thy wit is capable.'⁶³ He also occupied a seat of honor: he sat at the king's feet⁶⁴ where later, we are told, sat the king's minstrel after the 'sage' had passed into history. In a poem 'Concerning the Fates of Men' we read: 'one of them shall sit with the harp at his lord's feet receiving gifts.'⁶⁵

The 'thyle'-institution was specifically Teutonic; but at the opening of the historic period it seems everywhere on the wane. Two reasons may be assigned for this: as a counselor, as one who knew the will and attitude of the higher beings, he was being superseded by the Christian priest; as a narrator of heroic events he had a dangerous rival in the *scop* or minstrel. The 'thyle', as a rule, confined himself to the past; the *scop* glorified his own age.⁶⁶ He was a singer, a poet, which the 'thyle' was probably not. Ælfric uses the word *scop* in his grammar to translate such terms as *poeta* and *vates*.⁶⁷ In Alfred's Orosius it is used for

⁶⁰When peace is made between the Danes and the Heathbards, and the truce is to be confirmed by royal nuptials, a Danish warrior brings the bride to the home of the Heathbard prince. But hanging at his side the Heathman see a sword taken by the enemy from their own nation. 'Then speaks at the banquet one who sees the jewel, an old ash-warrior who remembers it all, the spear-death of men.' *Beow.*, 2029-43.

⁶¹*Ibid.*, 2105-6.

⁶²Soon after Beowulf arrived at Heorot, the jealous Unferth 'unbound the battle-rune' and a quarrel began. He taunted the hero with having lost in the swimming-match; the result was, however, that Beowulf got the best of the 'fighting'. *Ibid.*, 499 ff.

⁶³*Ibid.*, 588-89.

⁶⁴*Ibid.*, 499-500: Unferð mæpelode, Eoglafe bearn. þe sæt fotum sæt frean Scyldinga.

⁶⁵*Bi Manna Wyrdum*, 80: sum sceal mid hearpan sæt his hlafordes fotum sittan, feoh þlegan.

⁶⁶Thus it was in the North at least, where the scald, singing the exploits of his lord, seems to have overshadowed the thul, who clung more closely to the sagas. See Jónsson, *Litteraturhistorie*, 81, 321 ff.

⁶⁷Ælfric's *Grammar* (Zupitza), 24:6, 77:2-3, 24:2, 215:8-9. The word occurs in the glossaries of the tenth and eleventh centuries with similar definitions. See *Vocab.*, 188:28.

historicus,⁶⁶ and is also applied to Terence and to the singer Tyrtaeus of Spartan fame.⁶⁷ In Alfred's *Metra* it is applied to Vergil.⁷⁰

It is not safe to affirm that all the *scops* lived at some princely court; still, most of our knowledge of these craftsmen relates to such as struck the harp in the royal hall. The minstrel is prominent in Beowulf. He sings a great variety of things: the creation of the world and the fall of man;⁷¹ sagas from hoary Teutonic times;⁷² Beowulf's journey and perhaps his exploits of the night before.⁷³ His instrument was the harp, the gleewood. Where his seat was we are not told; but in the poem cited above, and which is doubtless of a later date than Beowulf, the singer is represented as sitting at his lord's feet.⁷⁴

We are accustomed to look on the bard as a wandering singer, traveling from manor to manor and from court to court. The *scop* must have been somewhat of this character; Widsith (if that be his name) was such a wandering minstrel. The poem that bears his name is little more than a list of tribes and kings that he had visited, which list some well-meaning interpolator has padded most generously. In return for the kindness of his queenly patroness Ealhild, he sang her praises 'through many lands.'⁷⁵ He seems to have had a companion-poet on his journeys:

'Then we two, Scilling and I, with clear voices
Before our victorious lord lifted up the song.'⁷⁶

But not all these singers were wanderers; some seem to have been permanently employed at some princely hall. Such a one was Deor, who lost his position and tried to console himself by comparing his own ill-fortune with that of others. For 'many winters' he had a good lord and good service; he had lands for his support. Then came Heorrend, 'a song-skilled man,' and took everything, lord, lands and honors.⁷⁷

⁶⁶Sweet's Edition, 32:28.

⁶⁷*Orosius*, 56:29.

⁷⁰*Metra*, 30:4. *Bibl. der ang. Poesie*, III, 338.

⁷¹*Beow.*, 90 ff.

⁷²*Ibid.*, 874 ff.; 1068 ff.

⁷³*Ibid.*, 871-74.

⁷⁴*Bi Manna Wyrðum*, 80.

⁷⁵*Widsith*, 97-99.

⁷⁶*Ibid.*, 103-04.

⁷⁷*Deor's Lament*, 38-41.

From the evidence at hand we may conclude that the *scop* was a singer of the old heroic lays⁷⁸ and a poet who told the notable events of his own day in verse. Though the bard and the 'thyle' differed essentially in both aims and themes, there is no reason why the same person might not sometimes act in either capacity: to draw the lines firmly between the two seems impossible. In the heroic period the minstrel was a personage of some consequence; but when the English people came into the full light of history, the sage and the singer were both on the decline, though the latter may have lingered somewhat longer than the former. Most likely the minstrel remained an interesting member of the princely household, but he is soon overshadowed by other dignitaries.⁷⁹

A Mercian charter dated 811 has the signature of one Æthelheah *pedes sessor*.⁸⁰ This title at once suggests the 'thyle,' Unferth, who sat at the feet of the Danish king;⁸¹ but the association is no doubt a fancied one. In a document of the following year Æthelheah appears as *pediseccus*.⁸² Cuthred *pessesor* (!) witnessed a grant of the same year,⁸³ but in another charter of uncertain date he, too, is *pediseccus*.⁸⁴ The title occurs in three other Mercian documents dated 824,⁸⁵ 825⁸⁶ and 831⁸⁷ respectively. Eastmund *pediseccus*, who signed a Kentish charter in 856,⁸⁸ seems to have been the last of his class to witness a grant of which we

⁷⁸Deor's repertoire is to some extent given in his 'Lament'.

⁷⁹I find no reference to court poets in English sources later than 800. They are alluded to in the poems *Bi Manna Oræftum* and *Bi Manna Wyrðum* which some have ascribed to Cynewulf. His authorship is by no means certain, but the poems seem at least to fall within the Anglian period of Old English literature which can hardly extend much beyond the eighth century. For the various views on this subject see Wülker, *Grundriss*, 196-200.

The court minstrel reappeared in England with the Danish conquest. Some of the songs sung at Cnut's court have been preserved. See *O. P. B.*, II, 155 ff.

In the Welsh laws of Howell the Good, we find an elaborate company of entertainers provided for under the leadership of the bardus famillae. See *Ancient Laws of Wales*, 771.

⁸⁰*K. O. D.*, No. 196.

⁸¹*Beow.*, 500. Cf. Kemble, *Sax. in Eng.*, II, 117.

⁸²*K. O. D.*, No. 199: Sign[um] man[us] Aedelheah ped[e]sec[us].

⁸³Birch, *Cartul.*, No. 840: Signum manus Cudredi pessesoris.

⁸⁴*K. O. D.*, No. 1028: Cudred pediseccus].

⁸⁵Birch, *Cartul.*, No. 378: Ego Bola pediseccus.

⁸⁶*K. O. D.*, No. 220: Ego bola pediseccus.

⁸⁷*Ibid.*, No. 227: Ego aelfred pediseccus.

⁸⁸*Ibid.*, No. 281: Ego eastmund pediseccus.

have any record.⁸⁹ Turning to the glossaries we find *pedisequus* and *sequipedas*, the one used as the equivalent of thegn, the other of *ministri*.⁹⁰ The masculine form of the word is, however, of rare occurrence except in the charters. More common is the feminine *pedissequa*, which an eighth century gloss renders 'thignen,'⁹¹ maid-servant. This significance the word retained till the close of the Saxon period.⁹²

It will be observed that the use of the title *pedisecus* is practically limited to Mercian documents of the first half of the ninth century. In this same period the title *minister* also begins to appear in the charters. But this title, so common in the next century, is not used by any one subscribing to a grant signed by a *pedisecus*. And I do not believe that the word *minister* occurs in any of the documents referred to except the last, which records a grant to a king's *minister*.⁹³ It is my opinion that *pedisecus* is a localism and simply a pedantic translation of thegn. That there ever was an official at court bearing such a title is extremely improbable.⁹⁴

Of the four traditional chiefs of the Teutonic king's household, the seneschal, the marshal, the chamberlain and the butler, we hear but little before the tenth century.⁹⁵ The butler and the

⁸⁹The title occurs in three tenth century charters, twice in the text and once in a group of titles following the episcopal signatures: (a) A grant by Eadred (946) to "Wulfric pedisequus". K. C. D., No. 411. The language and style are very inflated. The word *minister* is nowhere used. (b) A grant to "pedisequus Uhtred Child". The style of this charter is unusual, as it seems to be "alliterative and poetic", but otherwise the document seems normal. Birch, *Cartul.*, No. 911. (c) . . . et ceteri duces disciferi, pedissequi et ministri. *Ibid.*, No. 1211. This may be the statement of some later copyist. Cf. No. 911.

⁹⁰*Vocab.*, 507:82, 494:2.

⁹¹*Ibid.*, 88:15.

⁹²*Ibid.*, 262:30, 294:23, 466:38, 467:1; *Flor. Wtg.*, I, 207 (Queen Edith's maid); Liebermann, *Gesetze*, I, 172, Quadripartitus (in opposition to domina).

⁹³K. C. D., No. 281.

⁹⁴Kemble considers the *pedisequus* a court official, but cannot determine his functions. *Sax. in Eng.*, II, 117. Von Maurer believes that *pedisequi* was the general term for the inferior servants at court. *Hofverfassung*, 196.

⁹⁵On the subject of the higher palace officials writers on English history give us nothing beyond a few general statements. Says Kemble (*Sax. in Eng.*, II, 105-06): "The four great officers of the Court and Household in the oldest Germanic kingdoms are the Chamberlain, the Marshal, the Steward and the Butler". The error here lies in the use of the word "oldest". Stubbs (*O. H.*, I, 372-78) speaks of "the *praefectus* or *heahgerefa*", *disc-thegn*, cup-bearer and horse-thegn. But, as has already been shown, to equate the *praefectus* and the Frankish *major domus*, as Stubbs seems to do, is rather misleading. Freeman (*N. C.*, V, 287) agrees with Stubbs except in that he uses the term *staller*

chamberlain appear to be mentioned in *Beowulf*, but the poet says nothing of a marshal or a seneschal. In his will Alfred remembers his household thegns in the following words: 'And the men who serve me, to whom I recently at Eastertide gave wages (*feoh*: property), two hundred pounds let there be given to them; and let it be divided among them, to each one as would be due him after the manner in which I recently divided [wealth] among them.'⁶⁶ This implies that the royal servants were not of equal rank and dignity, but of the classification we are told nothing. But from about the middle of the tenth century, we have a most important document, the will of King Eadred, which gives us most valuable information on this point. The order of bequests is as follows: To the state; to the archbishop; to the bishops and ealdormen; to the seneschals, chamberlains and butlers; to the king's priests; to his stewards; to other servants (and kinsmen?).⁶⁷ The grouping of the palace officials together with the amount of each bequest shows conclusively that three, the seneschal, the butler and the chamberlain, were the high court-officials in Eadred's time.⁶⁸ There is no mention of a constable or a marshal.

Of these three dignitaries, the butler is the first to appear in the sources. The Anglo-Saxon word for cup-bearer is *byrel* or *byrele*, one who bears. Possibly this word also includes the seneschal idea, but that can hardly be the case with *beor-scealc*, which is also used. It seems that the cup-bearers of the earliest

for horse-thegn; the history of stallership will be given in a succeeding chapter. Ramsay considers the horse-thegn and the staller two different officials; he speaks of 'the Burthegn, the Discthegn, the Horsthegn and the Stallere or Constable'. *Found. of Eng.*, I, 525. Green has a different grouping: "The hordere, the staller, the dishthegn and the cupthegn". *Conqu. of Eng.*, 528. I propose to show in the course of this chapter and of chapter VII that the staller was not known in England in Alfred's day as has been claimed, that the boarder was never a court official in Saxon England, that the Confessor's chamberlain also acted as treasurer, and that the marshal was not a very important functionary before the Norman Conquest.

⁶⁶*K. O. D.*, No. 814 (880-885):and ðam mannun ðe me folgiað, ðe ic nu on eastertidum feoh sealde, twa hund punda agyfe man him; and ðæle man him betweoh, selcum swa him to gebyrian wille, æfter ðære wisan ðe ic him nu ðælde....

⁶⁷*Liber de Hyda* (London, 1866), 153-55; Birch, *Cartul.*, No. 912.

⁶⁸The bishops and ealdormen are given 120 mancuses each; the three high court officials 80; the mass-priests 50; the stewards 30, etc.

....and selcan gesettan discorðene and gesettan hræghðene, and gesettan biriele, hund eahtatig mancusa goldis. *Liber de Hyda*, 153-55; Birch, *Cartul.*, No. 912.

sources were women;² but when we come to the age of the Beowulf poem, we find that men were also employed in the service.¹ The Danish chieftain necessarily had several, perhaps many, butlers;³ and in the later narrative sources the word cup-bearer, as a rule, also appears in the plural form. When Æthel-flæd entertained King Æthelstan, the butlers filled cups and beakers of all sizes and bore to the feasters till the day was ended.⁴ The royal thirst must have been intense, for it required a miracle to slake it. Folcard tells us of a banquet given by Archbishop John to King Osred and his nobles; the cup-bearers found the supply of mulse, wine and beer inexhaustible.⁵ Ælfric in his homily on Esther also uses the plural form.⁶

It seems probable that over all these cup-bearers there was a chief butler. Perhaps Æschere held such a position at Hrothgar's court; for a common butler he has too many titles.⁷ At Archbishop John's banquet referred to above, the king called the butler Brihtred to him and praised him for his excellent service.⁸ In the supplement to Ælfric's vocabulary, *magister calicum* is translated *yldest byrla*.⁹ Asser tells us that Alfred's mother was a 'daughter of Oslac, Æthelwulf's famous butler.'¹⁰ It seems reasonable to assume that the cup-bearers whose signatures 'ap-

¹In the Laws of *Æthelberht* (14, 16) fines are decreed for violating the honor of an earl's or churl's bierle. Nothing is said about the maid who bore the king's cup, though a parallel law relates to a similar crime against the king's maid (10). It is more than likely, however, that some of those who served in the king's hall were women. It seems that the feminine head of the household had some important duties in this connection. Hrothgar's queen passes the cup to the mighty ones in Heorot. *Beow.*, 615, 1169, 2016 ff. The queen of the Geats performed a similar service in Hygelac's hall (1981-82). Hrothgar's daughter also bore the ale-stoop (2020-21). The wife of a comes who was miraculously healed by John of Beverly (A. D. 686) immediately arose and offered the cup to the bishop and his men. Bede, *H. E.*, V. 4. The same custom prevailed in the North. See *O. P. B.*, I, 50, 333.

²*Beow.*, 495: *þegn...se þe...scencte sclir wered.*

³*Ibid.*, 1161: *Byrelas sealdon win of wunder-fatum.*

⁴*Memorials of St. Dunstan*, 18: *...plincernis, ut assolet in regalibus convivis, cornibus, scphis, aliisque indiscretæ quantitatis vasibus totum diem propinantibus.*

⁵*Hist. York*, I, 254-5. But Folcard wrote after the Conquest.

⁶*Bibl. der ang. Prosa*, III, 93.

⁷He is called *beorsecalc*, *æbelling*, *aldor-þegn*, *runwita*, *rædbora*, the king's earl-gestella, and is said to be of *gesibes* had.

⁸*Hist. York*, I, 255.

⁹*Vocab.*, 189:29. Cf. *Book of Genesis*, 40:9.

¹⁰*Petrie's Monumenta*, 469.

pear in charters were chief butlers.¹⁰ In Eadred's will, however, no distinction is made between chief and subordinate. Eighty mancuses are given 'to each legally appointed butler,'¹¹ thus implying equality as well as plurality.

The functions of butlership were such as we should naturally associate with the office. The cup-bearers performed their duties at the banquets in the royal hall. The first cup was offered to the king. Ælfric tells us in his life of Saint Martin that at Maximus' banquet they bore to Caesar,

'As it customary was, wine on a dish;
But he ordered the butler to offer it first to Martin.'¹²

The principal beverages served were mead and beer, though ale, wine and mulse were also counted necessary to successful feasting.¹³ We should infer that the chief butler was also charged with the duty of keeping the king's cellar well supplied with tuns and casks.¹⁴ We do not know that he had any other duties. The butler's office was no doubt an honorable one;¹⁵ but it never

¹⁰*K. O. D.*, No. 86. A Kentish charter dated 740 and signed by the butler Dunwalh. Kemble believes it genuine but admits that the year and the indication disagree. I should say that the use of the title *pincerna* at such an early date is a very suspicious circumstance. *Ibid.*, Nos. 148, 265, 320; rejected as forgeries by Kemble. Birch, *Cartul.*, No. 328. Given by Ceonulf of Mercia and Kent, 809. This is the only charter dated before 958 and bearing a butler's signature that can seriously claim to be genuine. *K. O. D.*, No. 1214 (958). Signed by "Ælfric regis *pincerna*". Eadwig gives two *cassaturas* to Keneric his *propincernarius*. What this title signifies is not clear. Du Cange does not have the word. *Ibid.*, No. 1224 (959). Signed by Æthelsige *pincerna*. *Ibid.*, No. 1294. Æthelred (1000) gives lands to Abingdon monastery "sicut Wulfgarus meus uidelicet *pincerna* obtinuit". *Op. ibid.*, No. 1280. *Ibid.*, No. 313. Edward, 1062: "Ego Wigodus regis *pincerna*. Ego Herdingus reginas *pincerna*". This is perhaps the only queen's butler in Anglo-Saxon times of whom we have any record.

¹¹Birch, *Cartul.*, No. 912.

¹²Ælfric's *Lives*, II, 258. It would seem that the use of the word *byrel* in this passage and in Eadred's will proves definitely that it was the Anglo-Saxon equivalent of the Latin *pincerna*. Kemble suggests that it may have been, adding, however, "but I am not aware of its occurrence". *Sax. in Eng.*, II, 111.

¹³See *Vocab.*, 128, for a list of Anglo-Saxon drinks.

¹⁴The importance of having a supply of beverages on hand is well expressed in *Beowulf* (769) where the terror of the Danes when they awoke to find the hero grappling with the monster is likened to the 'terror of ale-dearth' (*ealu-scerwen*).

¹⁵*Hist. York*, I, 449 (assassination of Edward): *Circumstant eum undique armati viri, cum quibus et pincerna humili officio astabat ministrando*. This would indicate that not all cup-bearers enjoyed a high rank; at the same time we must not infer that the position of all was a humble one. The king was on a journey and this particular *pincerna* may not have been a regular butler.

attained the dignity among the Anglo-Saxons that it enjoyed across the Channel.

Grouped with the butler and the seneschal in Eadred's will, we find the *hrægel-weard*, or keeper of the wardrobe.¹⁶ This term is an unusual one for a high official, and, furthermore, we should expect some title that would suggest the chamberlain. Still, it seems that the keeper of the royal chambers also had charge of the wardrobe.¹⁷ The usual Old English word for chamberlain is 'bur-thegn,' though 'bed-thegn' is also used.¹⁸ In his homily on Esther Ælfric calls Ahasuerus' seven chamberlains his seven 'bur-thegns';¹⁹ but the two who conspired against the king's life are merely *bur-cnihtas*.²⁰ Ælfric evidently considered them of a lower order of servants. 'Bur-thegn' is again used in the homily on Judith.²¹ The servants performing the corresponding duties in the poem Judith are *ambyhtscealcas*.²² In the Latin sources the terms used are *camerarius* and *cubicularius*. There can be no doubt that all these terms—'bur-thegn,' 'bed-thegn,' 'rail-thegn,' *camerarius*, *cubicularius*, *custos cubile*—refer to the same official, the keeper of the king's chamber.²³ It is possible that the *camerarius* was subordinate to the *cubicularius*,²⁴ but I am in-

¹⁶In *Beowulf* there is a mention of a hall-thegn (*sele-begn*, 1794) who seems to have looked after the nightly comforts of the guests; but we are not told whether his duties also extended to the king's bed-chamber. In an anonymous document addressed to Edward the Elder, there is an allusion to a 'rail-thegn'. *K. O. D.*, No. 328: *ælfric was ða hræglæn*. As he had been appointed by Alfred to assist in settling a dispute regarding certain lands, he may have belonged to his court. The Benedictine Rule provides for a *hrægelhus*, where the robes are kept in charge of a 'rail-thegn'. *Bibl. der ang. Prosa*, II, 55. A gloss from the tenth or eleventh century translates *vestiarius* with *hrægl-weard*, *Vocab.*, 279:19.

¹⁷Thus it was among the Merovingian Franks. See Waltz, *D. V. G.*, II, 2, 72-73.

¹⁸That the bur-thegn had charge of the royal chamber appears from the use of the word bur. Though not always limited to chamber, this term usually contains the idea of privacy. *Wealhtheow's* apartments to which *Brothgar* retired for the night, were 'bowers'. *Beow.*, 921. The tun where *Cynewulf* visited his mistress also had a bower. *A.-S. Chron.*, 755. If the chamberlain were in charge of the entire hall, he might be called a 'sele-thegn' or a 'heal-thegn'. Such a one seems to be mentioned in one of the charters: *Heal-begen Soearpa*. *K. O. D.*, No. 742. But it is more than likely that the term in this case has become a proper name.

¹⁹*Bibl. der ang. Prosa*, III, 93. Be Heister, 33-36.

²⁰*Ibid.*, II, 212-14, 278.

²¹*Ibid.*, III, 111, 113.

²²*Judith*, 37-38.

²³*Vocab.*, 198:6, *camerarius*, *burþen*; 216:21, *Cubicularius*, *custos cubili*, *bed-begn*; 124:17, 18, *Cubicularius*, *burþen*, *Camerarius*, *bed-ben*. These definitions are all from the tenth century.

²⁴Cf. Brunner, *D. R. G.*, II, 101: Der merowingische Kämmerer heisst thesaurarius oder cubicularius.... Er hat Unterbeamten camerarii genannt. Im

clined to consider the titles absolutely identical. It is true, however, that the latter is the term most commonly met with.²⁵ In 963 Edgar gave lands 'to his very faithful *camerarius* called by the noble name Winstan.'²⁶ In 972 there is another transfer of lands to Winstan now *cubicularius*.²⁷ If there had been any advance in his case, the office of *cubicularius* must have been the superior one.

It appears that there were several chamberlains serving the Anglo-Saxon king at the same time. Edgar's grants are to three different persons: Æthelsie, Titstan and Winstan.²⁸ Eadred's will also implies plurality: 'and to each legally appointed rathegn eighty mancuses of gold.'²⁹ According to William of Malmesbury, Edmund Ironside was slain by two of his *cubicularii*.³⁰ Three chamberlains are mentioned in Domesday as belonging to the Confessor's court: Aluric,³¹ Hugo,³² and Wenesi.³³ But what the usual number was, we do not know; nor can we affirm that there was a chief chamberlain before the reign of Edward the Confessor, during which period Hugelinus (Hugo) apparently held such a position, as will be shown presently.

The functions of the Anglo-Saxon bower-thegn were doubtless analogous to those of the Continental *camerarius*. He had charge of the king's private apartments including his bed and his wardrobe; he stood close to the royal person: audience had to be sought through him.³⁴ And, in addition to guarding the king's

karolingischen Sprachgebrauch ist umgekehrt der *camerarius* der oberste Schatzbeamte, während *cubicularii*, *sacellarii* und *dispensatores* seine Unterbeamten sind.

²⁵I find no reference to a *camerarius* in any apparently genuine document later than 968. In Domesday, however, *camerarius* is the title commonly used. Three of the Confessor's *camerarii* are mentioned in the survey. One of them is Hugo, evidently the Hugelinus of one of Edward's charters, in which he is spoken of as *cubicularius* and *bur-thegn*. *K. O. D.*, No. 904.

²⁶*Ibid.*, No. 508.

²⁷*Ibid.*, No. 572.

²⁸*Ibid.*, Nos. 489, 508, 572, 1247. The grant to Titstan is dated 962; Winstan and Æthelsie received lands in 968; Winstan received an additional grant in 972.

²⁹Birch, *Cartul.*, No. 912.

³⁰*Gesta Regum*, 217.

³¹*Domesday*, I, 151: Hoc manerium tenuit Aluric *camerarius* R. E.

³²*Ibid.*, 208:et ipsi vendiderunt Hugoni *camerario* Regis Edwardi.

³³*Ibid.*, 151: Hoc manerium tenuit Wenesi *camerarius* R. E.

³⁴William of Malmesbury. *Gesta Regum*, 274: [A blind man is healed by King Edward.] Postremo, ad regis curiam veniens, vestibulum camerae, aduersantibus *cubiculariis*, frustra diu trivit; sed perstitit.... But the historian's narrative may have been colored somewhat by the customs of his own time.

camera, he seems to have had the keeping of his master's treasures.³⁵

Our earliest sources represent the king as possessing much hoarded wealth. The nature of this early hoard is revealed in the allusions to gifts that were given. These included everything necessary for military equipment or masculine adornment, especially swords, rings and horses.³⁶ But there were also articles of a more strictly commercial value used in payment, such as small rings and fragments of rings;³⁷ hence the common appellations ring-giver (*beah-gyfa*) and ring-distributor (*beaga-brytta*) that we find applied to the king in Old English verse.³⁸ But while the existence of a treasure can be shown to be an ancient fact, it is not so easy to find a treasurer. The old poets describe the king as acting in this capacity: he was the hoard-guardian. Nor can we always point to a localized treasury. King Eadred deposited his 'land charters and even old treasures from preceding kings' in various monasteries, especially in the one with which Dunstan was connected.³⁹ But it seems that at least as early as

³⁵On this point writers on English history are not wholly in agreement as the following citations show:

Lappenberg, *Hist. of Eng.*, II, 380: The chamberlain....was also the royal treasurer. The garments of the king were under the care of a keeper (*hrægl-thegn*).

Kemble, *Sax. in Eng.*, II, 106: The names by which the chamberlain was designated are *Hræglþegn*....*Cubicularius*, *Camerarius*, *Bûrþgen*, perhaps sometimes *Dispensator*, and *Thesaurarius* or *Hordere*.

Green, *Conqu. of Eng.*, 528: In the time of Ælfred, the great officers of the court were....the *hordere*, the *staller*, the *dishthegn* and the *cupthegn*.

Freeman, *N. O.*, V, 291: The King's "Hoarder" was as old as the King's "hoard".... The Old English Kings had their *hoard*, and the hoard under its Hoarder must always have been a special department of administration.

Ramsay, *Found. of Eng.*, I, 524: But the Anglo-Saxon kings had a Treasurer, the *Hordere* or Keeper of the king's Hoard, who received the moneys due to him from the sheriffs and other reeves....

Lappenberg and Kemble hold with varying degrees of confidence that the chamberlain had charge of the treasury. Green follows Kemble. Freeman and Ramsay appear to consider the treasury a distinct department.

³⁶*Beow.*, 1046-48: Swa manlice, mære beoden,
hordweard hæleþa, heaþo-ræsas geald
mearam ond madmum.

³⁷Müller, *Vor Oldtid*, 539-40: [Describing archeological discoveries in Schleswig from the period of the migrations.] 'Among other things brought to light were nineteen bars and fragments of large rings and five small rings, all of gold and evidently intended for use as currency'. (Author's translation.)

³⁸It is interesting to note that the Old Norse *baugr*, A.-S. *beag*, a ring, is used in the earliest Norwegian laws as a unit in computing fines, wergelds, etc. See *Norges gamle Love*, V, 92. Cf. *Laws of Æthelbriht*, 6.

³⁹*Memorials of St. Dunstan*, 29: '....quamplures scilicet rurales cartulas,

the reign of Cnut, the royal hoard had been definitely located at Winchester. One of Harold Harefoot's first acts was to seize the royal valuables there in the queen's possession in that city.⁴⁰ The treasury remained at Winchester till the Conquest and was continued there by the Conqueror.⁴¹

The old word hoard seems to have persisted as a designation of a large accumulation of valuables,⁴² though toward the close of the Old English period we also find the word *haligdom* used.⁴³ It would seem natural that the person in charge of all this would be called a *hordere*, and certain writers on Anglo-Saxon subjects tell us that such was the case.⁴⁴ I have, however, yet to find the first bit of contemporaneous evidence for such a statement. The Laws of Æthelstan contain two significant passages relative to the hoarder: 'Concerning barter. And let no man dispose of cattle by barter except in the presence of the reeve, or the mass-priest, or the landlord, or the hoarder, or some other reliable man.'⁴⁵ And again concerning theft: 'Likewise, if it be that any one of the king's hoarders or of our reeves was in collusion with the thieves who had done the stealing, be it the same to him.'⁴⁶ The hoarders

etiam veteres praecedentium regum thesauros, necnon et diversas proprias adfectionis suae gasas sub munimine monasterii sui fideliter custodiendum.

Ramsay (*Found. of Eng.*, I, 304) infers from this that Dunstan was the king's treasurer. "He made Dunstan act as his treasurer, placing all his valuables, including the title-deeds of his private estates (rurales cartulas) under his charge at Glastonbury". But this is clearly incorrect as we are expressly told that Dunstan was only one of many with whom such documents were deposited. On page 81 of the *Memoriale* we read:misit circumquaque ad congregandas facultates suas....per hoc enim vir Dei Dunstanus, velut alii regaliū gasarum custodes ibat; ut quas causa custodiendi secum habuerat regi reportaret.

**Flor. Wig.*, I, 190: Is [Harold]....misit Wintoniam suos constipatores celerrime, et gasarum opumque, quas rex Canutus Alfigivae reliquerat reginae, majorem melloremque partem ademit illi tyrannice.....

**Domesday*, III, 65:qui debebant geldum portare ad thesaurum regis Wintoniae....

*A translation of II *Kings*, 20:13, reads as follows: "Then he took the envoys from abroad into his treasure-house and showed them his gold-board"—"gelewde his goldhord". See Cook, *Biblical Quotations*, 18:2.

*Haligdom may, perhaps, mean the place where the treasures were kept; but the context usually indicates that the valuables themselves are meant.

*See Green, Freeman, and Ramsay, cited above.

**Laws of Æthelstan*, II, 10: Be hwearfe. And nan man ne hwyrf nanas yrfes butan þæs gerefan gewitnesse. oððe þæs mæssepreostes, oððe þæs landhlafordes, oððe þæs horderes, oððe oðres ungelygenes mannes. Liebermann (*Gesetze*, I, 156) translates hordere with Schatzmeister. This is misleading, if not absolutely incorrect.

**Ibid.*, II, 8, 1:eac swilce cynges hordera oððe ure gerefena, swylc þera þeoða gewita wære, be staledon, beo he be þam ilcan. Liebermann's translation, Königskämmerer, is clearly incorrect.

alluded to in these laws were manifestly local officials merely. They are grouped with local functionaries, and, furthermore, it would be unreasonable to suppose that the higher dignitaries of the court could be expected to witness petty commercial transactions all over the country.

We get a clue to the real meaning of hoarder in the monastic literature of the time. In a tenth century vocabulary, *hordere* is given as the equivalent of *cellerarius* or keeper of provisions.⁴⁷ Ælfric uses the word similarly in his homilies: Saint Benedict, he tells us, ordered his hoarder to give a needy subdeacon a glass of oil,⁴⁸ "because they eat oil in that country with their food as we do butter."⁴⁹ The monastic hoarder is mentioned in the Chronicle along with the churchwarden and the rail-thegn.⁵⁰ The word can have but one translation: steward. The hoarder of the first law quoted was probably the landlord's steward, who might represent his master when cattle were to be exchanged. The official of the second law clearly had charge of a royal estate, as the context shows that he was in charge of serfs;⁵¹ he is also spoken of as 'our' hoarder. We are safe in concluding that there never was at any time in English history prior to 1066 a court-official whose duties were primarily fiscal and whose functions gave him a name. The *thesaurarius* came with the Normans.⁵²

As has already been suggested, however, it seems that Edward's chamberlain acted as his treasurer.⁵³ With the establishment of a fixed treasury came a new formula into the English chancery. Thus in one of Cnut's charters: 'And of these writings there are three, one at Christ Church, another at Saint Augustine's and the third in the king's treasury (or sanctuary).'⁵⁴ Similar terms are used in two other documents: *in thesaurum regis*,⁵⁵ *mid rise*

⁴⁷ *Vocab.*, 830:18.

⁴⁸ *Homilies*, II, 178.

⁴⁹ Thorpe's translation.

⁵⁰ *A.-S. Chron.*, 1131: circeweard and hordere and reilþein.

⁵¹ The guilty one shall lose his serfs. Schmid (*Gesetze*, 613) believes that this particular law refers to a "Schatzmeister, welcher aber, gleich dem Gerefa, als Verwalter der königlichen Güter erscheint....".

⁵² See *Domesday*, I, 49: Terra Henrici Thesaurarii.

⁵³ The evidence that follows has, I believe, been neglected by writers on English history. They have, it appears, based their conclusions mainly on the etymology of the word *hordere* and on Frankish analogies. See Kemble, *Sax. in Eng.*, II, 106. For the Continental practice see Waitz, *D. V. G.*, II, 2, 73; III, 502; Brunner, *D. R. G.*, II, 101; von Maurer, *Hofverfassung*, 192.

⁵⁴ *X. C. D.*, No. 1827: And ðissara gewrita synd preo,.... and ðe bridde is inne mid ðæs kynges halldome.

kinges halidome.⁵⁶ There is therefore nothing strange in the statement made by the historian of Ramsey that the charters of that monastery which were received during the Confessor's reign were deposited in the royal treasury (*gasophylacium*) and kept by Hugelinus the chamberlain.⁵⁷ Four facts speak in favor of the correctness of this information: it was the practice in the first half of the eleventh century to deposit documents in the royal treasury;⁵⁸ in the reign of Henry II⁵⁹ such valuables would probably go to the royal exchequer and not to the king's camera, so that the chronicler could not have been influenced by the custom of his own time; we gather from an Old English vocabulary that the bower-thegn was the keeper of documents;⁶⁰ the name of the chamberlain is correct.⁶¹ While more evidence might be desired, whatever there is points toward the conclusion that, at least during the closing years of the Saxon monarchy, the chamberlain guarded the royal hoard.⁶²

The third great court-official was the seneschal or *disc-peg*n as he is called in Anglo-Saxon.⁶³ So far as I know, there is no

⁵⁶K. O. D., No. 982: Haec scripta tripliciter consignantur,....allud in thesaurum regis,....

⁵⁷*Ibid.*, No. 981: Nu sinden ðise write þre, on is mid ðise kinges haligdome

⁵⁸*Chronicon Ramestensis*, 170-71:decrevit rex omnia, ordine quo gesta sunt vel relata, literis Anglicis ad monumentum futurorum declarari, ejusdemque scripti medietatem in gasophilacio, ubi quaecunque habebat praecipua et pretiosa erant reposita, ab Hugelino cubiculario suo diligenter conservari.

⁵⁹See charters cited above.

⁶⁰The chronicle was probably composed in that reign. See *Chronicon Ramestensis*, Preface, XXII.

⁶¹*Vocab.*, 19:19: Cancellarius vel scriniarius, burþen. The scriniarius was the official of the scrinium, the depository of the king's valuable documents. See *Du Cange*.

⁶²K. O. D., No. 904: Hugelino cubiculario.

⁶³Green classifies the duties of the chamberlain as follows: "Of all the officers of the court, he was far the most important, (1) as head of the whole royal service; (2) as exercising control over the royal palace or household, wherever it might be, and charged with care "de honestate palatii seu specialiter ornamento regali"; (3) as receiver of royal dues for the crown lands, and head of the royal gerefan....; (4) as dispensator of the crown; and (5) through this and in his charge "de donis annuís militum" as head of the household troops; and (6) of the budding diplomatic service." *Conq. of Eng.*, 523-24. It is hardly necessary to say that for all this there is no authority in the English sources. It is merely an effort to apply Hincmar's system to the Saxon court.

⁶⁴The word stiweard seems also to have been used with much the same meaning. *Vocab.*, 228:1: Discoforus, discifer vel stiweard. But most probably this term was applied to the seneschals of lesser lords only. The king's steward in the tenth century, as Eadred's will shows us, was an official wholly different from the dish-thegn and of much less importance. In the Latin sources the

mention of such a functionary before the accession of Æthelstan.⁶⁴ A charter from the beginning of his reign (926) is witnessed by Wulfhelm *discifer regis*.⁶⁵ We next hear of the seneschal in connection with the death of King Edmund (946): Florence of Worcester reports that he fell while trying to shield his *dapifer* who had gotten into serious difficulties in trying to remove an uninvited guest from the banquet.⁶⁶ We find that Eadred in his will (before 955) bequeathes 'to each legally appointed dish-thegn' the same amount of gold as to each butler or chamberlain.⁶⁷ Four *disciferi* witnessed charters in the reign of Eadwig (955-59): Ælfheah,⁶⁸ two by the name of Ælfsige,⁶⁹ and Ealdred.⁷⁰ The last named signs a document dated 958. The next year Wulfgar *discifer* signs a charter given by King Edgar.⁷¹ This is the last mention of a king's seneschal before the time of the Confessor.⁷²

The master of the royal tables, like his colleague of the cellar, does not seem to have been a specially important personage at Edward's court. At any rate we hear little of him. The statement in the Book of the Hyde, that Edward made Harold his seneschal,⁷³ must be discredited, as it has no support in contem-

seneschal is called *discifer*, *discoforus* and sometimes *dapifer*. *Vocab.*, 126:38: *Discifer* uel *discoforus*, *discepen*. (Ælfric, ca. 1000.)

⁶⁴We should expect to find such an official in Bede's account of King Oswald and his dining with Aidan the bishop; but we are told only that the viands were served on a silver dish. *H. B.*, III, 6. In *Ætodes* (131) there is an allusion to a 'meat-thegn' but he was not a royal official. The title occurs in a forged charter attributed to Offa (785). *K. O. D.*, No. 149; cf. Kemble, *Soc. in Eng.*, II, 109, where this document is apparently accepted as genuine.

⁶⁵*K. O. D.*, No. 1099. A document from the same year has the following peculiar close: "Ego Cyneferð episcopus subscripsi, et ceteri Duces, ministri, disciferi, testes". Birch, *Cartul.*, No. 858. This looks like the work of a forger, who has been unable to secure a list of dignitaries that he dared make use of.

⁶⁶*Flor. Wig.*, I, 134. No earlier source mentions a seneschal in this connection. William of Malmesbury calls the official in question a *dux*. The fact that he was the one who challenged the guest does, however, give some support to the opinion that he was the master of the feast. Ramsay accepts Florence's statement without question. *Found. of Eng.*, I, 297.

⁶⁷Birch, *Cartul.*, No. 912.

⁶⁸*K. O. D.*, Nos. 1191, 1196, 1197. The last two are copies of the same document. Ælfsige was a common name at that time.

⁶⁹*Ibid.*, No. 1214.

⁷⁰*Ibid.*, No. 1224.

⁷¹Florence alludes to a dispensator in Harthacnut's reign (I, 194), but while dispensator and dishthegn may have meant the same to him, they did not to the Anglo-Saxons generally. To Ælfric dispensator meant reeve. See *Genesis*, 43:16, 23; 43:19; 44:1. Cf. *Pastoral Care*, 63 (brytnere). Kemble and Green identify the dispensator with the chamberlain. *Soc. in Eng.*, II, 106; *Conqu. of Eng.*, 528.

⁷²*Liber de Hyda*, 288, 290.

porary sources. Such an office might have been commensurate with such an ambition as Harold's at the time when the statement was written, but not at the time indicated. The charters give us little help. A document dated 1060 has the *signum Raulfi regis dapiferi* and the *signum Asgari regis dapiferi*.⁷³ But as we shall find that Edward had two stallers bearing such names, I am inclined to consider this the work of a forger or of a later copyist who did not know what staller meant.⁷⁴ A charter of two years later has the signatures of *Adzurus regis dapifer* and *Yfingus regis dapifer*.⁷⁵ It is possible that we again have the names of stallers, that Adzurus is Asgarus and Yfing, [L]ifing. It will not do to assume, however, that staller and *dapifer* are equivalent terms: historically the two offices are wholly distinct, and they also seem to differ in functions and in relative importance.⁷⁶ It is in Domesday that we find the most reliable references to Edward's stewards, and these are by no means satisfactory. Ednod *dapifer* held five manors in Edward's day,⁷⁷ and of nine hides belonging to that king in Huntingdon Alanus his *dapifer* held two.⁷⁸

In addition to the seneschals who served the king directly, there were other officials with similar duties serving the various members of the royal family. Among those present at Wynflæd's suit (in Æthelred's reign) was 'Æfic the dish-thegn of the ethelings.'⁷⁹ Some time in the same reign Æthelstan Etheling willed eight hides to 'Ælmere his seneschal.'⁸⁰ About the year 1006 the etheling Edmund purchased certain lands, his dish-thegn Leofwine witnessing the transfer.⁸¹

On the duties of the dish-thegn the sources are not very explicit. "His especial business was to superintend all that apper-

⁷³K. O. D., No. 808.

⁷⁴The difficulties that the Normans experienced in their efforts to comprehend Saxon terms is well illustrated in a passage from Michel's *Chroniques Anglo-Normandes*, 284 (quoted by Ellis in introduction to *Domesday*, XXIX, note): *Esagarius regie procurator aule, qui Anglice dicitur stallere*, i. e., regni vexillifer.

⁷⁵K. O. D., No. 813.

⁷⁶See Chapter VII for a discussion of the stallership.

⁷⁷I, 69: *Haec V maneria tenuit Ednod dapifer T. R. E.* He seems also to have been staller. See *Eng. Hist. Rev.*, XIX, 92.

⁷⁸I, 206b: *De eadem terra habuit Alanus dapifer ejus II hidas.*

⁷⁹K. O. D., No. 693: *æfic para æþelinga diæten...*

⁸⁰*Ibid.*, No. 722: *...Ælmere minen discþene...*

⁸¹*Ibid.*, No. 1802: *....Lofwine æþelinges discþen...*

tained to the service of the royal table, under which we must probably include the arrangements for the general support of the household, both at the ordinary and temporary residences of the king."⁸² With this general statement the subject will have to be dismissed.⁸³

Of the fourth great official of the Germanic courts, the master of the horse, I shall have something to say in a subsequent chapter. We have no reason to think that he was an important official at the English court before the Danish dynasty. In the tenth century, the glorious period of Anglo-Saxon kingship, the inner circle of the royal household service counted but three dignitaries: the butler, the chamberlain and the seneschal.⁸⁴

⁸²Kemble, *Sas. in Eng.*, II, 109.

⁸³On this matter Continental analogies throw but little light. See Waits, *D. V. G.*, III, 499; VI, 329; Brunner, *D. R. G.*, II, 101.

⁸⁴Since the above was written J. H. Round has published a paper on "The Household of Edward the Confessor" in *Eng. Hist. Rev.*, XIX, 90-92. In this he appears to include the marshal, the constable and the treasurer among the high officials of that king. I have elsewhere in this chapter given my reasons for identifying the treasurer with the chamberlain; the *Henricus Thesaurarius* that Round refers to evidently held the office of treasurer at the time when the survey was made (see *Domesday*, I, 49); but there is no evidence that he served Edward in that capacity. He was one of the tenants-in-chief in William's day. There is a reference to a constabularius who held such an office in Edward's day (*Ibid.*, I, 151); but elsewhere the same person is spoken of as staller (*Ibid.*, I, 146b, 148b, 218b). I conclude, therefore, that Edward had no constable at his court. It is, of course, possible that the duties of such an official may have been exercised by the staller. Edward evidently had a marshal, but he does not seem to have been classed with the more important officials.

CHAPTER VI.

THE KING'S PRIEST. THE CHANCERY.

The royal household in the middle ages had its ecclesiastical as well as its secular side.⁸⁵ The king's priest did not rank with the high officials of the palace in dignity, yet, his influence in affairs of state was far-reaching and profound. It is true, the importance of the chaplainship would depend largely on the character of the chaplain. When Wilfrid was growing into maturity, the Northumbrian king, wishing to make him his 'inseparable companion,' asked that he be ordained to the priesthood.⁸⁶ It is readily seen that with such an aggressive, almost gigantic spirit as the king's religious guide, the policies of government would to a large extent be determined in the royal chapel. However, the bishop decided that Wilfrid was better fitted for episcopal duties, and he never became royal chaplain.

The first priest connected with an English court of whom we hear anything was the one who accompanied the princess Bertha when she left Gaul to become queen of Kent.⁸⁷ But this man of God, Liudhard by name, does not seem to have made his presence felt among the Kentish people to any appreciable extent. Of a different type was Paulinus, the spiritual adviser of Edwin's queen, through whose persistent efforts the conversion of Northumbria was begun.⁸⁸ Bede mentions several other royal chaplains serving at Northumbrian courts,⁸⁹ but after his time we hear little of

⁸⁵The subject of the royal chapel is discussed by Kemble in *Soc. in Eng.*, II, 113-17; also by Green in *Conqu. of Eng.*, 524-28. Green's discussion contains a great deal of information, but his use of sources has been uncritical and his conclusions are often incorrect.

⁸⁶*Hist. York*, I, 13.

⁸⁷Bede, *H. E.*, I, 25.

⁸⁸*Ibid.*, II, 9. *Hist. York*, I, 353.

⁸⁹About the middle of the seventh century a priest Utta, "multae gravitatis ac veritatis vir," brought Eanfled from Kent to become queen of Northumbria. Bede, *H. E.*, III, 15. He may have been a royal chaplain. Eanfled brought her own confessor with her, a Kentish priest named Romanus. *Ibid.*, III, 25. In 660 the Northumbrian king had a confessor whose name was Caelin. *Ibid.*, III, 23. In 665 one Eadhed was chaplain at the same court. *Ibid.*, III, 23.

the king's priest before the reign of Alfred.⁹⁰ Asser speaks of the chaplains—*capellanos suos*⁹¹—serving at Alfred's court, and names two, "Ethelstan and Werewulf... Mercians by birth and erudite."⁹² The king himself names two more, Grimbald and John.⁹³ But he speaks of these as his teachers rather than as his confessors. Ecclesiastics were numerous at Alfred's court, but the king called them not so much because they were holy men as because they were learned.⁹⁴

During the reign of Alfred's successor, the king's presbyter seems to have been especially honored: he was admitted to the circle of the wise. At least we shall have to suppose that the presbyters who witnessed Edward's charters were, some of them if not all, the king's own priests. The documents bearing such signatures are comparatively numerous in this reign.⁹⁵ When

⁹⁰According to Alfred's laws (88, 2) fighting in the presences of the king's priest was punished by a heavy fine. But the fact that the priest in this case is coupled with the ealdorman's deputy leads me to think that the law does not refer to the court chaplain, but to the parish priest acting in an official capacity at the folk-moot.

⁹¹Petrie's *Monumenta*, 496.

⁹²Asser (Giles' translation): *Six Old Eng. Chron.*, 70.

⁹³In the Preface to Gregory's *Pastoral Care*. On the subject of Alfred's chaplains see Plummer, *Alfred*, I, 136 ff.

⁹⁴Preface to *Pastoral Care*: 'Even as I learned from Plegmund my archbishop, and from Asser my bishop, and from John my mass-priest.' It is not probable that all these were continuously at the royal court; but some time or other they had been in the king's personal service. It will be remembered that Asser was asked to divide his time, giving certain months to the king. Plummer thinks that Alfred "established, probably after the example of Charles the Great, a Court school, for the education specially of the sons of the upper classes, in which books of both languages, Latin and Saxon, were read." See *Alfred*, 135.

⁹⁵List of presbyters whose signatures occur in Edward's charters:

Year	900.	903.	905.	904.	904.	905.	901-2.	901-2.	908.	909.	909.	909 (?)	910 (?)	910 (?)	910 (?)	909.
Tata	+			+	+	+	+	+								
Werulf	+	+		+	+	+	+	+	+	+	+	+		+	+	+
Beornstan	+			+	+	+	+	+	+	+	+	+	+	+	+	+
Ethelstan	+		+	+	+	+								+	+	+
Wald	+			+	+	+								+	+	+
Johan				+	+	+								+	+	+
Beorn				+	+	+								+	+	+
Thoneulf				+	+	+								+	+	+
Thald				+	+	+								+	+	+
Brihtulf							+							+	+	+
Eilstan								+						+	+	+
Ealstan								+	+	+	+	+	+	+	+	+
Wulfrie								+	+	+	+	+	+	+	+	+
Ethelbyrht								+	+	+	+	+	+	+	+	+
Yelbeard								+	+	+	+	+	+	+	+	+
No. in K. C. D.	1077	1080	335	337	1084	1085	1087	1088	1090	1091	1092	1093	1094	1095	1096	
No. in Birch, <i>Cartul</i>																630

This does not include K. C. D., Nos. 331 and 342, which are apparently spurious. Kemble questions them. Nos. 597 and 598 in Birch are also excluded for the same reason.

we consider the number of bishops and *duces* who were also present as witnesses, it seems clear that most of these charters must have been issued when the national council was in session. The normal number of presbyterial signatures is four, though the earlier documents frequently have more. The names of Werulf,⁸⁸ Beornstan and Æthelstan are found with great regularity as the appended table shows. The same is true of Tata and Ealhstan; the latter apparently succeeded the former, as the last document bearing Tata's name is the first in which Ealhstan's signature occurs.⁸⁹

After the death of Edward the power of the presbyter seems to have declined. Æthelstan thoroughly reorganized the *witan*,⁹⁰ and the priest disappeared.⁹¹ In the succeeding reigns up to the accession of Cnut, the sources have little to say about the king's chaplains except as partakers of the royal bounty.¹ Cnut seems to have revived the custom of calling in his priests to witness land transfers. There are, however, only eight documents given during his reign that have presbyterial signatures, the earliest dating from 1024.² Six of these bear Eadwold's name; four have Stigand's signature; Ælfwine has signed three; eight other priests have witnessed one document each. In the charters of Edward the Confessor such signatures are met with quite frequently.³

The position of confessor at the royal court was no doubt both an honorable and a profitable one. In Eadred's will the king's

⁸⁸K. O. D., No. 1094, has Werulf dux which may be a scribal error for Werulf presbyter.

⁸⁹The list of presbyters would be materially reduced if we omit No. 1088 in Kemble. This charter relates wholly to ecclesiastical affairs, and the priests whose names appear in this document only may have belonged to the episcopal and not to the royal household.

⁹⁰See Stubbs, *C. H.*, I, 140.

⁹¹Two charters of 931 have the signatures of "Godesscealc sacerdos minister". K. O. D., Nos. 1104, 1106. But it is not clear that this priest was a royal chaplain. Cf. No. 1135, where there is an allusion to "Godescallus abbas abundunias". The charter is an evident forgery, but the scribe may have been correctly informed as to the name of the abbot at this period.

¹Birch, *Cartul.*, No. 808. Edmund, 945. A grant to "culdum presbytero meo, cui nomen Æthelnodus". K. O. D., No. 1165, Eadred, 948. Signed among others by Heremod presbyter who apparently was a court priest. Birch, *Cartul.*, No. 1288. Æthelflæd second queen of Edmund wills two hides to each of her two priests, Alfwold and Æthelmar. K. O. D., No. 1200. Eadwig (956) endows his "fidell Byrthelmo presbytero" with lands at Cenigton. Soon afterwards the grantee disposes of these lands and in this transaction he appears as bishop. *Ibid.*, no. 1201.

²K. O. D., Nos. 741, 743, 745, 746, 751, 1318, 1322, 1324.

³See *Ibid.*, Nos. 767, 791, 792, 793, 796, 800, 813.

chaplains rank next to the great palatine officials, the seneschal, the butler and the chamberlain: 'and to each of my mass-priests that I have appointed to attend on my relics, fifty mancuses of gold and five pounds in pennies, and to every one of the other priests, five pounds.'⁴ We shall have to conclude from this that the number of ecclesiastics at court must have been comparatively large.⁵ It seems likely that each of the principal members of the royal family had his own confessor or chaplain.⁶ Some of them must have had several.⁷ I have been able to find the names of more than twenty persons who were royal presbyters in the days of Edward the Confessor.⁸ The greater number of these appear in sources that cannot be questioned, such as the Chronicle and Domesday.

The chaplain's reward was land,⁹ or an abbacy, or a bishopric, as soon as a vacancy should appear. I have already suggested that the king's confessor, if a man of strength and spirit, would be a powerful factor in shaping governmental policies, and might thus give the church undue influence in the state. But the institution was two-edged; more often it helped the king to maintain his position as lord of the Anglican church. The chaplain might become strongly attached to his lord and thoroughly subservient to the king. His chaplainship might also become a stepping-stone to higher honors. In the Northumbrian kingdom episcopal appointments seem generally to have come after service in the king's chapel.¹⁰ There is, however, little evidence that the Eng-

⁴Birch, *Cartul.*, No. 912. (The translation is from *Liber de Hyda*, 349.)

⁵Chaplains were also numerous at the Carolingian court. See Waits, *D. V. G.*, III, 525.

⁶Cf., *ibid.*, III, 525: Die Gemahlin des Königs oder Kaisers hatte einen eignen Capellan.

Attention has already been called to the queen's chaplains mentioned by Bede and to the priests endowed by queen Æthelflæd in her will. Æthelstan Etheling also remembered his mass-priest in his will. *K. C. D.*, No. 722. The queen's priest Walter was given a bishopric in 1060. *Flor. Wig.*, I, 218.

⁷See Birch, *Cartul.*, 1288. Æthelflæd's will.

⁸Cf. Green, *Conqu. of Eng.*, 526-27.

⁹The royal grants to presbyters in the ninth century have been referred to. *Domesday* mentions several of Edward's priests as landholders. "Wimarus presbyter regis" held two small areas in Buckingham and Bedford. I, 151, 210b. "Esmellit capellanus regis Edwardi" had a little plot of ground in Kent. I, 1b. Edward is also said to have given certain lands in Huntingdon to "Vitali et Bernardo presbyteris suis". I, 208.

¹⁰Caelin did not get such a position for himself, but he may have been influential in securing it for his brother. Bede, *H. E.*, III, 23. Eadhed, after serving some time as royal capellanus, became bishop of Lindsey. *Flor. Wig.*, I, 248.

lish kings tried to control the church through the episcopal patronage before the Danish period.¹¹ Three of Cnut's chaplains are known to have been rewarded with bishoprics: Ælfwine in 1032,¹² Duduc the next year¹³ and Eadsie in 1038.¹⁴ Stigand, another of Cnut's presbyters, received similar honors in Edward's reign. Cnut's policy in church appointments was continued and further developed by Edward the Confessor. Apparently the king had but little worldly goods to spare for his friends,¹⁵ but with offices he was more liberal. Giso,¹⁶ Heca,¹⁷ Hereman,¹⁸ Stigand,¹⁹ Ulf,²⁰ and William,²¹ all of the king's own chapel, were given episcopal sees in this reign. Kynsige whom Edward made archbishop of York was probably one of Cnut's chaplains.²² Walter, the queen's priest, was also rewarded with a bishopric.²³ Leofric, chancellor and doubtless king's presbyter, was placed in charge of two western sees.²⁴ Godric, the son of one of the royal chaplains, received an abbacy.²⁵ Regenbaldus was elevated to the chancellorship.²⁶ It is not strange that this persistent policy of

¹¹ Examples are Alfred's appointment of Plegmund to the see of Canterbury (Plummer, *Alfred*, 189), and the advancement of Byrhtelm in 956. See *K. O. D.*, Nos. 1200, 1201.

¹² *A. S. Chron.*, 1032: [Vacancy in the see of Winchester.] And Ælfwine þæs cynges preost feng þerto.

¹³ Stubbs, *Reg. Sac. Anglic.*, 19. Cf. *K. O. D.*, No. 1818.

¹⁴ *Flor. Wig.*, I, 193: ..regis capellanus Eadsius in archiepiscopatum succedit. But he seems to have received episcopal honors in 1035. See Stubbs, *Reg. Sac. Anglic.*, 19.

¹⁵ On the landed estates held by Edward's priests see the references to *Domesday* cited above.

¹⁶ *K. O. D.*, No. 835: [Wells, 1061.] Sciatis nos dedisse Gisoni presbytero nostro episcopatum hunc apud vos.

¹⁷ *A. S. Chron.*, 1046; also 1045, 1047, 1048: [Sussex, 1047.] Heca cinges preost feng þerto.

¹⁸ *Ibid.*, 1048: [Ramsbury.] Hereman þæs cynges preost feng to þam bisceprice.

¹⁹ *Ibid.*, 1042: [East Anglia, 1048.] Stigand preost was gebetsod to biscepe to Eastengium. Cf. *K. O. D.*, Nos. 751, 1818, 1822, 1824.

²⁰ *Ibid.*, 1049: [Dorchester, 1050.] Eadwerd cing geaf Uife his preoste þæt bisceprice.

²¹ *Ibid.*, 1048: [London, 1050.] ...and wes Willelm þæs cynges preost gehaðod þerto.

²² *Ibid.*, 1058. Stubbs (*Reg. Sac. Anglic.*, 20) gives the year as 1051. Kynsige signed one of Cnut's charters as presbyter in 1026, *K. O. D.*, No. 748.

²³ *Flor. Wig.*, I, 218: (1060.) Et Herefordensis praesulatus...capellano Edgithae reginae Waltero Lotharingo est datus.

²⁴ *Ibid.*, 199: [Exeter and Crediton.]...regis cancellario Leofrico...datus est praesulatus.

²⁵ *Ibid.*, 211: [Winchcombe, 1058.] Godricum, regis capellani Godmanni filium abbatem constitueret.

²⁶ Regenbaldus will be discussed later in this chapter. The corrections and additions in brackets are mainly from Stubbs, *Reg. Sac. Anglic.*, 19-21.

selecting the spiritual lords of the realm from the king's own immediate household should have produced dissatisfaction and even opposition.²⁷ The practice, however, did not originate in England; it is at least as old as the Carolingian monarchy. Charlemagne not only exercised complete control over episcopal appointments,²⁸ but also selected the prospective candidates and had them trained at his own court.

The royal chapel at the Frankish court was directly in charge of a chief presbyter to whom all the other chaplains were subordinate. He was usually known as the *summus capellanus* or *archicapellanus*,²⁹ and his office carried with it great influence in ecclesiastical affairs not only at the local court but in the empire at large. It seems likely that such a dignitary existed at the Anglo-Saxon court also; but on this point our sources maintain an absolute silence.

In addition to their priestly functions³⁰ the clerks of the royal chapel may have had certain notarial duties.³¹ Documents were regularly issued on the king's authority, and it is difficult to see who but some ecclesiastic could have produced them; for the knowledge and skill necessary in drawing up such documents in those days were not inconsiderable.³² As a rule, the early English charters do not state by whom they were written; there are a few exceptions, but many of these are spurious or at least doubtful.³³ An examination of these will reveal the fact that nearly all, the doubtful and the probably genuine,³⁴ claim to have been drawn up

²⁷ See Kemble, *Sac. in Eng.*, II, 115.

²⁸ Walz, *D. V. G.*, III, 420.

²⁹ *Ibid.*, 517 ff.

³⁰ For the duties of the chaplains at the Carolingian court, see *ibid.*, 522.

³¹ Cf. *ibid.*, 523 ff.; Brunner, *D. R. G.*, II, 114.

³² For the state of learning in early England, see Plummer, *Alfred*, 81-82.

³³ In two of Ine's charters (*K. C. D.*, Nos. 45, 48) dated respectively 689 and 701, Winberht is represented as being the scribe. The first of these is clearly a forgery; the second, a wholly different document, may be genuine. More than doubtful are two documents dated 605 (*ibid.*, Nos. 3, 4) and approved by "Angemundus referendarius." The referendarius was a Merovingian official; his title seems never to have been born by any English functionary. A charter dated 682 (Birch, *Cartul.*, No. 62) contains this statement: "Ego Aldhelm hanc scedulam scripi et subscripsi." He may have been the Aldhelm who was abbot of Malmesbury six years later. See *ibid.*, No. 71. A rather suspicious charter from 793 was ostensibly drawn up by Tilhere the king's priest. *Ibid.*, No. 268. See also *K. C. D.*, No. 555 (a very questionable document): Ego Aldred abbas . . . hanc libertatis singrapham scripsi.

³⁴ *K. C. D.*, No. 1191 (Nos. 1196 and 1197 are copies of this): Ego Daniel, iubente rege, hanc syngrapham dictavi. Daniel was bishop of Rochester at this

by some ecclesiastic; also that the scribe usually did not reside at court.³⁵ The series of such documents extends well past the middle of the tenth century.³⁶

This leads directly to the question, was there a royal chancery in Anglo-Saxon times? The evidence just presented, though by no means conclusive, declares against the existence of such an institution at least before the reign of Æthelred. It is true, these charters may be exceptional; but in that case the existence of a chancery would be a matter of common knowledge. In a Supplement to Ælfric's Vocabulary, which cannot be earlier than Æthelred's reign, we find *cancellarius* defined as *scriniarius* or 'burthegn.'³⁷ It is certainly possible that the keeper of the king's strongbox might also act as royal notary; but the probabilities are that the glossarist was trying to explain a term that he did not clearly understand.

Earlier students of Anglo-Saxon history looked on the English chancery as a most ancient institution. Lappenberg traced it back to the reign of Æthelbirht of Kent.³⁸ Spelman found it in the days of Edward the Elder.³⁹ "From Edgar," according to Palgrave, "the office may be traced more distinctly."⁴⁰ But recent writers agree with Kemble that not "till the reign of Eadward the Confessor is there the slightest historical evidence in favor of

time, 956. See Stubbs, *Reg. Sac. Anglo.*, 15. *K. O. D.*, 1166: Ego Dunstanus abbas indignus cartulam, inde imperante domino meo rege Eadredo, composui, et propriis digitis meis perscripsi. Dunstan was abbot of Glastonbury. The charter is brief and business-like, in every way worthy of the great prelate. (949.) *Ibid.*, No. 534: Ego Wulfse episcopus hanc chartulam....perscribere iussui. (967.)

³⁵A document from the middle of the eighth century closes with this sentence: 'Alda, the king's gefera, he wrote it.' *K. O. D.*, No. 95. It is possible that *gefera* was intended instead of *gefera*; the latter, however, is a good Saxon word meaning companion. Alda may have been a man of learning occupying a position at court like that of Asser in Alfred's time.

³⁶An apparently genuine charter from 1065 seems to have been composed by "Brihttricus abbas". *K. O. D.*, No. 817.

³⁷*Vocab.*, 190:19.

³⁸*Hist. of Eng.*, II, 381: "As early as in charters of Æthelbirht of Kent we meet with a Referendarius, probably the same dignity as that bearing from the time of Eadward the Elder the name of Chancellor." Cf. Kemble, *Sax. in Eng.*, II, 114, note. In *K. O. D.*, Nos. 3, 4, an Angemundus referendarius is mentioned, but these two charters are glaring forgeries.

³⁹Palgrave, *English Commonwealth*, II, 345.

⁴⁰*Ibid.* The author was evidently deceived by the many forgeries purporting to emanate from Edgar's councils and of which No. 555 in the *Oodes* may serve as an example: "Iam decreuimus roborare et de sigillo nostro iussimus sigillare."

such an office."⁴¹ That a chancery existed just before the Conquest cannot be doubted. Much of the evidence for such an institution in Edward's day is, indeed, questionable; but we shall not be able to reject all. Florence of Worcester tells us of a Leofric chancellor who was given episcopal honors in 1046.⁴² There is a grant of lands to Harold dated 1062 which is witnessed by *Regenbaldus regis cancellarius*.⁴³ Several evident forgeries also bear the signatures of this same priest or chancellor. His name and title also occur in a document drawn up in the Saxon idiom and apparently above suspicion, a donation to the Old Minster at Winchester, witnessed by 'Edith the lady, Stigand the archbishop, Harold earl and Rengebold chancellor.'⁴⁴ "He occurs repeatedly in Domesday, where he is distinguished as 'Canceler,' 'Presbyter' and 'de Cirencestre.'⁴⁵ He seems to have been one of the few officials of Edward's court who were taken into the service of the Conqueror.⁴⁶

The chancellor was the chief scribe of the royal court. All the king's secretarial forces were subject to his orders. His principal duty was to prepare the royal documents or to have them properly drawn up by his notaries.⁴⁷ He was also the customary keeper of the royal seal,⁴⁸ and so closely is this symbol associated with the chancellor's office that when we find the one we should expect to find the other. There is little evidence for the use of a seal before the Confessor's time.⁴⁹ The historian of Ramsey, writing in the twelfth century, tells us that none of the charters belonging

⁴¹*Sax. in Eng.*, II, 114. See also Stubbs, *C. H.*, I, 381; Green, *Conqu. of Eng.*, 526.

⁴²*Flor. Wtg.*, I, 199. I see no reason for doubting the statement. It is true, the author wrote after the Conquest and his authority is unsupported, but Florence seems to have had exceptional advantages for getting information relative to his own time and region. Leofric was given sees not far from Worcester.

⁴³*K. O. D.*, No. 813.

⁴⁴*Ibid.*, No. 891: Rengebold canceler. Cf. *Eng. Hist. Rev.*, XI, 732, note.

⁴⁵Round, *Feudal England*, 421.

⁴⁶In one of his charters (quoted by Round in *Feudal England*, 422) William speaks of Regenbald as his priest, "minan preoste."

⁴⁷Cf. Waits, *D. V. G.*, III, 513-515; Freeman, *N. C.*, V, 290.

⁴⁸Cf. Stubbs, *C. H.*, I, 381.

⁴⁹Offa's seal, found attached to a document in a French monastery, may be left out of account as the charter cannot be genuine. For the document see Birch, *Cartul.*, No. 259. Cf. Stevenson's discussion in *Eng. Hist. Rev.*, VI, 736-42: The Old English Charters to St. Denis. The words sigillabant and sigillare occur occasionally in the charters, but I do not believe they will be found in any genuine document.

to that establishment and dating from Edgar's day had seals.⁵⁰ He also tells us that the charters from Edward's reign were provided with such authentications.⁵¹ The Confessor's seal is, furthermore, mentioned in the most reliable sources of the period, the Chronicle⁵² and Domesday.⁵³ But it is probably not true, as certain writers assert, that Edward was the first English king who had a seal.⁵⁴ In a document entitled Wynflæd's Suit, apparently an account of a shire-moot held some time in Æthelred's reign, this sentence occurs: 'Then sent the king his seal by Ælfhere the abbot to the gemot at Cwiclemeshlæwe.'⁵⁵ If this document is genuine, and it seems to be, we shall have to say that the royal seal was used in England at least as early as the tenth century.

The evidence before us seems to show that there was a chancery during Edward's reign; that his two chancellors were churchmen; that the office of chancellor, at least while Regenbald held it, was one of great power and profit.⁵⁶ There seems to have been a royal seal and hence, perhaps, a chancery in Æthelred's day;⁵⁷ but for the earlier period all the evidence is negative. It should be said, however, that the final word on this subject cannot be spoken before a thorough study of originals has been made and the documents issued in each particular reign carefully examined and compared.⁵⁸

⁵⁰*Historia Ramesiensis*, 65: Notandum vero quod nullis eadem scedulae sigillorum impressionibus sunt munitae....

⁵¹*Ibid.*, 161, 167.

⁵²1048: 5a com Sparhafoc abbot to him mid þes cynges gewrite and inægile.

⁵³I, 78b: ...in ipsa ecclesia inventus est brevis cum sigillo R. E. See also pp. 208, 374 et passim. Much of the Domesday evidence on this point has been collected by Freeman. *N. C.*, V, 526, note. A few of the impressions of the Confessor's seal seem to have been preserved; Birch describes three of them. See *Catalog of Seals in the Department of MSS. in the British Museum*, I, 2-3.

⁵⁴Stubbs, *C. H.*, I, 381: "Edward the Confessor, the first of our sovereigns who had a seal, is also the first who had a chancellor." For a similar view see Green, *Conqu. of Eng.*, 526.

⁵⁵*K. C. D.*, No. 693: þa sende se cyning be æluere abbude his inægile to þam gemote at cwiclemes-hlæwe....

⁵⁶Regenbald held land in five counties and controlled the revenues of sixteen churches. See Round, *Feudal England*, 426.

⁵⁷The introduction of the chancery into England will be discussed in the concluding chapter of this study.

⁵⁸The subject will doubtless be exhaustively treated in Stevenson's forthcoming work, *The Anglo-Saxon Chancery*. Stevenson's view of the general question is presented briefly in *Eng. Hist. Rev.*, XI, 731-44. See also Round, *Feudal England*, 421-30: Regenbald.

CHAPTER VII.

THE INNOVATIONS OF CNUT AND THE DANES.

That the Danish conquest of England should have produced certain changes in the institutional life of the conquered nation seems inevitable. The new king was a Dane; his councillors and trusted men were aliens like himself. His court seems to have been largely Scandinavian not only in personnel (as appears from the signatures to Cnut's charters) but in speech and spirit. The praise-lays that the Danish conqueror heard at his regal banquets were not such as would delight a Saxon ear.⁵⁹ The influence of an alien court on the constitutional development of a people is a matter of great importance.⁶⁰ With the general question of Scandinavian influence the present study is not concerned. This chapter will be limited to the consideration of two institutions that appeared in England with the Danish dynasty: the stallership and the royal guard or corps of house-carles.

With regard to the staller the view commonly held is that this office was equivalent to that of the earlier horse-thegn⁶¹ and that it may have been borrowed from the Frankish court,⁶² as the

⁵⁹See *C. P. B.*, II, 155-56. Only a few fragments of the poetry sung in praise of Cnut have come down to us.

⁶⁰As a rule writers on English history conclude with Green (*History of the English People*, I, 100) and Stubbs (*C. H.*, I, 219-20) that the influence of the Northmen in the shaping of Anglo-Saxon institutions is a negligible quantity, as the invaders, having essentially the same speech and customs as their brethren in Britain, could have but little to contribute. On the other hand, Steenstrup, the Danish historian of the viking age, finds the legal and political systems of Old England permeated with Norse terms and institutions. While few would accept all of Steenstrup's conclusions, no one who has examined his work will deny, that he has shown, that the earlier English opinions on this subject are untenable and that for an adequate understanding of the institutions of England in the eleventh century a considerable attention must be given to Norse sources. See *Normannornc*, especially Vol. IV, *Danelag*.

⁶¹See chapter VIII.

⁶²Lappenberg, *Hist. of Eng.*, II, 381: In the instance of the Marshal even the usual Anglo-Saxon denomination of stallere (comes stabuli) indicates its

Anglo-Saxon title staller (supposedly derived from Latin *stabularius* or *comes stabuli*⁶⁸) seems to indicate. Till recently it was thought that the Norse *stallari* was this same Old English official introduced into Norway, perhaps some time in the tenth century.⁶⁴ It is my purpose to show that the converse is more probably true: that the stallership is Norse in name and origin, and that it came into England with the Danish host.⁶⁵

The earliest appearance of the Norse staller is in the sagas dealing with the times of Olaf Trygvesson about the year 1000.⁶⁶ He appears in the reign of Saint Olaf as a most important state official;⁶⁷ there can be no doubt that Björn, the staller of that reign, is an historic person. But even if we reject the accounts in the sagas of the two great Olafs, we still have in the court-poetry of the time sufficient evidence for the existence of such an official among the Northmen in the early part of the eleventh century. Sighvat the Poet, the roving scald who sang the exploits of Cnut 'the Mighty' at the English court, alludes to the Norwegian staller in his poems.⁶⁸ In the English sources this official appears for the first time in one of Cnut's charters;⁶⁹ the document is undated but was probably given in the year 1032.⁷⁰ During the Confessor's reign the title occurs frequently, but nearly always in legal documents only.⁷¹

If the staller's office is of Norse origin, the institution must be studied in the light of the Norse sources rather than of the Frankish. It may be urged, however, that, even if it did come into England with the Danes, the etymology of the term shows an unmistakably Frankish-Roman origin. But it does not seem necessary to derive *stallari* from *stabulator* or any other Latin

Roman origin; for he is seldom designated 'cyninges hors-thegn.' Cf. Kemble, *Sax. in Eng.*, II, 108; Green, *Conqu. of Eng.*, 528.

⁶⁸Stubbs, *O. H.*, I, 383, note: The name is derived from the *comes stabuli* of the Byzantine court.

⁶⁹See *S. R. D.*, III, 156; Keyser, *Efterladte Skrifter*, II, 81, note.

⁷⁰Cf. Steenstrup, *Danetog*, 125, where the subject of origin is briefly treated. Steenstrup was the first to suggest that the Norse term *stallari* is probably older than the Anglo-Saxon stallere.

⁷¹See *Fornmannasaga*, II, 331. Cf. Keyser, *Efterladte Skrifter*, II, 80.

⁷²Snorre, *St. Olaf's Saga*, 55.

⁷³*O. P. B.*, II, 129, 134.

⁷⁴*K. C. D.*, No. 1327: *pored steallare*. The name is Danish.

⁷⁵It bears the signatures of bishops Ælfsige and Ælgeiric (Æthelric). The former died in 1032, the same year in which the latter received his appointment. See Stubbs, *Reg. Sac. Anglio.*, 18, 19.

⁷⁶It occurs once in the *Chronicle* (1047): *man utlagode Osgod stallere*.

term of like import; it seems much more natural to connect it with *stallr*, an Old Norse word meaning much the same as modern English *stall*.⁷² This word has a Germanic origin and is only a distant relative of the Latin *stabulum*.⁷³

The stallership was of great importance in the North during the eleventh and twelfth centuries. Langebek believes there was such an official in Denmark as early as Cnut's reign;⁷⁴ the probabilities favor this view; still, no historic example can be produced before 1085.⁷⁵ Several are known to have borne the title in the next century; but after 1200 the dignity declined and was overshadowed by that of the marshal.⁷⁶ The position of the staller in Saint Olaf's household may best be illustrated with a citation from Snorre's history: 'King Olaf located his court at Nidaros [Thronhjelm]. There was built a large kings-hall with doors in both gables. The king's high-seat was in the middle of the room;⁷⁷ on the inner side sat Grimkell his court-bishop, and next him his other priests; on the outer side sat his councillors. In the other high-seat opposite the king sat his staller, Björn the Stout, and next him the guests.'⁷⁸ Thus the staller was next to the king in dignity; by the time the *Hirdskraa*⁷⁹ received its final form, he ranked second among the court officials, the chancellor holding first place.

That the English staller occupied a correspondingly high position, the sources clearly indicate. In a twelfth century account of the miracles of Saint Edmund, Osgod Clapa, at one time staller, is spoken of as of so great power, 'that, as standing next to the king, he was not to be feared less than the king himself.'⁸⁰ This, of course, is gross exaggeration, still, it testifies to Osgod's great fame. In Hermannus' work on the same subject, he is

⁷²It is used in this sense in the Eddic poems of the early tenth century. See O. P. B., I, 227, 309. Keyser suggested this etymology in his work on the mediaeval constitution of Norway. *Efterladte Skrifter*, II, 81.

⁷³See Kluge, *Etymologisches Wörterbuch*.

⁷⁴S. R. D., III, 156, note.

⁷⁵*Ibid.*: An. 1085, Petrum stabellarium invenimus.

⁷⁶*Ibid.*: Sub Waldemaro II et postea stabularii titulus et dignitas vilescebat et exolere coepisse, inque ejus locum Marescalci nomen et officium inolescere videtur.

⁷⁷Near the north wall.

⁷⁸*Saint Olaf's Saga*, 55.

⁷⁹A law governing the royal household in Norway, amended and promulgated by Magnus Lawmender (1263-80).

⁸⁰*Memorials of St. Edmund's Abbey*, I, 135:ut secundus a rege non minus quam rex ipse cunctis formidandus haberetur.

called *major domus*.⁸¹ The importance of the office is also apparent from the language used in contemporary charters. In the king's writs, usually composed in Old English and peculiar to the half century just preceding the Conquest, the staller is frequently addressed along with the earl and the bishop.⁸² From this juxtaposition of earl, bishop and staller we should infer that the last named had some authority in the shire. But I cannot find that any particular territory comes under the exclusive authority of any particular staller.⁸³ The great prominence of this official also appears when we consider him as a land-owner. 'Æsgarus a certain staller' is spoken of in the *Historia Eliensis* as having forcibly seized on lands belonging to the monastery of Ely.⁸⁴ The 'land-hunger' must have been strong in him; an examination of Domesday will show that Æsgar staller was one of the greatest landholders in England at the time of Edward the Confessor; he had estates almost everywhere.⁸⁵ Almost the same can be said of Radulfus staller.⁸⁶ There can be no doubt that the stallership was the highest dignity at the Old English court when the Anglo-Saxon period came to a close.

As to the functions of this official the English sources give us very little information, and the Norse court-laws are of too late a date to be relied on for conditions in the eleventh century. The Norwegian staller in the thirteenth century had duties along three principal lines: he served as the king's spokesman on public occasions; he acted as chief and judge of the henchmen and presented their requests to the king; he provided horses or other means of transportation for his master's journeys.⁸⁷ But it seems, from

⁸¹ *Memorials of St. Edmund's Abbey*, I, 54: Inter quos quidam major domus Osgodclap cognomine vocitatus.

⁸² *K. O. D.*, No. 855: Eadward king gret Willem biscop, and Harold eorle, and Esgar stallere, and alle mine þegnas and mine holde frend on Middelsexum frendlice. See also Nos. 828, 843, 845, 859, 864.

⁸³ Æsgar is addressed on matters in Middlesex (*K. O. D.*, No. 855), Kent (No. 828) and Hertford (No. 864); Eadnoth on an affair in Southampton (No. 845); Robert on an Essex matter (No. 859); on a matter of business in Kent Edward addresses the archbishop, the bishop of Rochester, earl Leofwine and two stallers, Æsgar and Robert the son of Wymarch (No. 828).

⁸⁴ *Historia Eliensis*, I, 216: Æsgarus quidam stallere...

⁸⁵ *Domesday*, passim. The name appears as Asgar, Asgarus, Ansgerus, Angerus, Esgarus, etc.

⁸⁶ *Ibid.*, passim.

⁸⁷ *Norges gamle Love*, II, 411. Munch, *N. F. H.*, IV, 1, 601. Keyser, *Afterladis Skrifter*, II, 81. For the duties of the constable elsewhere on the Continent and in England at this period, see Stubbs, *O. H.*, I, 483-84. The Norwegian stallere differed from the constable in being primarily one who spoke to

the allusions to this same official in the Eddas, that his duties were much the same in the days of Saint Olaf and Cnut, except that in those days he was also a leader of the host.⁸⁸ Which of these duties devolved on the English staller we do not know. The fact that Eadnoth, a former staller, commanded an army in 1067,⁸⁹ suggests that the office may have been of a somewhat military character. Eadnoth must, it seems, have had some experience as a leader in war. He may have had charge of the royal stables, but the sources do not show it. There seems to have been a lower official, a king's marshal, who looked after the royal steeds. Florence of Worcester, writing soon after the Conquest, speaks of Ecgulf, Alfred's horse-thegn as *Ecgulfus strator regius*.⁹⁰ Again, in his account of the expulsion of the Normans in 1052, he mentions *Ælfredum regis stratorem* among those who were permitted to remain in the land.⁹¹ This is, doubtless, the *Alueredus marescal* who is mentioned in Domesday as holding lands in Edward's day.⁹² There was also one Roger who held the marshalship before the Conquest.⁹³ In the following reign the marshal was a far more important official. William had no staller.

The kings of Norway evidently had several stallers at the same time,⁹⁴ though one of them may have enjoyed a headship.

the populace on behalf of the king, and not one who commanded his armies. The 'court-law' says nothing of military duties.

⁸⁸The poets do not speak of the staller as a spokesman, but as such he is frequently alluded to in the sagas. See Snorre, *St. Olaf's Saga*, 68, 80. As an intermediary between the king and his henchmen we find Björn staller alluded to (Björn fell in battle, 1030). The poet praises him as a counselor and for having won favor for him with the King. *C. P. B.*, II, 129. Björn staller was a leader at Stiklestad where Saint Olaf fell (1030). At the battle of the River Nis (1052) Ulf staller, "he the king's friend, bade us lay his ship in the forefront of the battle by the side of the king's...." *Ibid.*, II, 224. (Vigfusson's translation.)

⁸⁹*A.-S. Chron.*, 1067: Eadnoð stallere beom wið gefeah. *Flor. Wig.*, II, 8: Eadnothus, qui fuit Haroldi regis stallarius....

⁹⁰*A.-S. Chron.*, 897. *Flor. Wig.*, I, 115.

⁹¹*Flor. Wig.*, I, 210.

⁹²III, 216: Comes habet unam mansionem quae vocatur Stratona quam tenuerunt Alueredus marescalcus et Osbernus episcopus die qua rex E. fuit vivus et mortuus. See Round, The Officers of Edward the Confessor: *Eng. Hist. Rev.*, XIX, 90.

⁹³*Domesday*, II, 59. videntibus duobus hominibus scilicet Rogero marescalco et quodam Anglico... The occasion was a transfer of land by Harold's house-carle Scalpinus to his wife. The transaction seems to have taken place while Edward was still king. From his name and the fact that the other witness has his nationality so distinctly stated, we should judge that Roger was a Norman.

⁹⁴The Norse court-poets in speaking of the stallers frequently use the plural. See *C. P. B.*, II, 129, 134, 141.

It is possible that Cnut also had more than one such official at his court, but one only is mentioned in the records.⁶⁶ There were in all, so far as we know, eight stallers in Edward's reign: Bondig, Eadnoth, Ælfstan, Æsgar, Leofing, Osgod, Rodbertus and Roulf or Radulfus. Several of them, usually three, served at the same time. One of the earliest, and perhaps the most famous of them all, was Osgod Clapa. He was a Northman and probably served in the same capacity under the Danish kings.⁶⁷ His term of service ceased in 1047.⁶⁸ Ælfstan, whose name and title appear in a document from 1044,⁶⁹ seems to have been associated with him in the office. Æsgar first comes to our notice in 1052;⁷⁰ he seems to have continued staller till the close of the reign.¹ His colleagues in the years 1052 and 1053² were Leofing and Roulf. After the last named date we hear no more of Leofing. A document that Kemble places between 1060 and 1066 has the signatures of three stallers: Esegar, Roulf and Bondig.³ Bondus, Boding or Bondi staller is mentioned in Domesday, but not very frequently;⁴ in one entry he is called *Boding constabularius*.⁵ Eadnoth is the only one of Edward's stallers whom we know to have continued as such under Harold.⁶ He is mentioned but once or twice in the great survey.⁷ *Rodbertus regalis palatii stabilitor*, who, as we are told by the Con-

⁶⁶ *K. O. D.*, No. 1827: *bored steallare*. He was evidently a Dane. It is possible that one Tovi served as staller under Cnut, but the fact is not mentioned in any contemporary document. For a statement of the case see Freeman, *N. O.*, I, 521 ff.

⁶⁷ He was apparently connected with Cnut's household, as his signature is affixed to several charters given by that king. See *K. O. D.*, Nos. 1819, 1824, 1827. It was at his house at Clapham that Harthacnut died.

⁶⁸ *A.-S. Chron.*, 1047: *Man utlagode Osgod stallere*. After he was outlawed he turned viking and harried the English coasts (1049). He died in 1054.

⁶⁹ An agreement between Ægelric and bishop Eadsige signed by "Ælfstan steallere." *K. O. D.*, No. 778.

⁷⁰ *Ibid.*, No. 956: *..and on Esgeres stealres [gewitnesse] and on Raulfes stealres and on Lifinges stealres...*

¹ *Ibid.*, No. 828 (1066): *Eadward king gret....Esgar stallere..*

² *Ibid.*, No. 1887. Ælfifu's bequest.

³ *Ibid.*, No. 822. Birch (*Cartul.*, No. 929) places it between 1052 and 1070. The same names occur in *K. O. D.*, No. 813, with these titles: *Esgarus regiae procurator aulae*; *Radulphus regis aulicus*; *Bundinus regis palatinus*.

⁴ I, 146b, 148b, 218b.

⁵ I, 151.

⁶ *Flor. Wig.*, II, 8: *Eadnothus qui fuit Haroldi regis stallarius....* Cf. *A.-S. Chron.*, 1067; *K. O. D.*, No. 845.

⁷ I, 58b: *Eðnod stalre tenuit T. R. E....* There is also a reference to one Alnodus stalro (III, 415) who held lands in Edward's day. I take Alnodus to be a scribal error for Eadnodus or Adnodus.

fessor's biographer, was present at the king's death-bed,⁸ was doubtless the *Roberd Wymarche sune stallere* to whom greetings were sent in a royal mandate of 1066.⁹ *Rodbertus filius Wimarchi* became a great landowner after the Conquest. His name occurs almost everywhere in Domesday, though perhaps not as Edward's staller.

Of the nine or ten stallers whose names have come down to us, the earlier three, Thored, Osgod and Tofig (if he ever held the office) were Danes. Bondig's name has also a decidedly Norse appearance. Of the later ones, two, Radulfus and Rodbertus, were probably Normans. The remaining three were presumably Saxons.

In 1033, the year after the first mention of the staller,¹⁰ we note the earliest appearance of another Danish institution, the king's guard, usually known as the house-carles.¹¹ Writers on English history have paid considerable attention to this 'military household' and generally agree in ascribing its organization to Cnut; but on the origin and composition of the guard, its nature, its purpose and its final fate, the most diverse opinions are expressed.¹² The difficulty seems to be that no one has made a critical study of all the available sources. Of these there are three groups: the English documents from the eleventh century; the Norse poems from the same period and, for some purposes, the sagas and the laws; and the Danish histories of the twelfth century, the writings of Sveno and Saxo. Of these the second group is ignored or misunderstood by English writers,¹³ while

⁸*Lives of Edward the Confessor* (London, 1858), 431.

⁹*K. O. D.*, No. 828.

¹⁰*Ibid.*, No. 1327.

¹¹*Ibid.*, No. 1318. The grantee is called a minister in the document itself, but in an Anglo-Saxon rubric his title is translated huscarl.

¹²These will be noted in their proper places.

¹³Lappenberg (*Hist. of Eng.*, II, 247-48) seems to have been the first writer on this subject who also used the Danish sources. His statements are gathered largely from Sveno and Saxo. Kemble follows Lappenberg in almost every detail. *See in Eng.*, II, 118-24. He makes some use of the English charters, but, after all, adds but little to our knowledge of the subject. Freeman (*N. O.*, I, 297-98, 497-500) attempts a critical study of the Danish sources and in most respects his conclusions are correct, though stated with many misgivings and much doubt. His treatment of the subject is by no means satisfactory; still, it is, perhaps, the best available in English. Freeman wholly ignores the Norse sources. Ramsay (*Found. of Eng.*, I, 413-16) gives considerable attention to Cnut's guard, especially to its probable numerical strength. The subject is also treated, though very briefly, in Traill's *Social England*. The contributors, Oman (I, 184) and Powell (I, 135), apparently accept the conclu-

Scandinavian historians¹⁴ pay too little attention to the first. It should be added that Svenno's work has not, to my knowledge, been read in the light of other and earlier sources, as it should be to yield definite information.

English writers since the time of Kemble have looked on the royal guard of Cnut and his successors as "only a revival of the comitatus"¹⁵ and therefore essentially English. On the other hand Munch¹⁶ and Steenstrup¹⁷ trace the institution back to the famous viking fraternity of Jomburg in the tenth century. It seems probable that neither of these views is wholly correct. Taking up the English view first, we shall find that there was a profound difference between the old Anglian 'hearth-guard' and the mercenary bands that Cnut distributed in 'camps and castles.' Neither the name nor the institution can be found in the English sources before the Danish period. *Huscarl* is a Norse word,¹⁸ and one of the oldest in the language. In the Eddas it is used sometimes for servant¹⁹ and sometimes for henchman.²⁰ But when we come to the court-poetry of the first half of the eleventh century we find the latter significance the dominant one.²¹ House-carle, then, is the general term for member of a royal household; but when the early writers speak of the English house-carles,

sions of Freeman and, in part, those of the Norwegian historian, P. A. Munch. Green's statements relative to the house-carles (*History of the English People*, I, 100, *Conqu. of Eng.*, 414-15) are extremely unreliable.

¹⁴These are particularly Munch (*N. F. H.*, I, 2, 473) and Steenstrup (*Danelag*, 127-54). Steenstrup's discussion of this subject is by far the most thorough thus far produced either in England or in the North.

¹⁵Kemble, *Sax. in Eng.*, II, 124. Freeman (*N. O.*, I, 297-98) and Powell (*Social England*, I, 135) accept this view.

¹⁶*N. F. H.*, I, 2, 473. Munch holds that the remnants of the Jomburg guild entered into Æthelred's service, thus forming the corps afterward called the house-carles.

¹⁷*Danelag*, 147. Steenstrup believes that Cnut's household law, the *Lex Cas-trensis* of Svenno, was modeled on the Jomburg laws.

¹⁸It does not appear in the Anglo-Saxon Chronicle before 1036.

¹⁹The house-carles of the Atla Lay (placed by Vigfusson among the oldest epics of the Edda) must have been servants at court. They could not have been among the feasters for they helped Gudrun to burn the hall. *O. P. B.*, I, 51.

²⁰*Ibid.*, 336.

²¹Sighvat, one of Cnut's scalds, complains of efforts made to bribe St. Olaf's house-carles. *O. P. B.*, II, 134. He says in praise of King Olaf: "We have both made a good bargain: thou hast got a good house-carle and I have got a good liege-lord." *Ibid.*, 149. Thiodolf describes a battle and says: "We lessened the number of the earl's house-carles." *Ibid.*, 201. (The translations are Vigfusson's.)

they use the more specific term *þingamenn*²² the whole guard being known as the *þingamannalið*²³ The origin of this word is a matter of dispute: most probable seems the explanation of those who derive it from Anglo-Saxon *þegnung*, *þenung* or *þening*, meaning service.²⁴ The form 'thenigmen' occurs in Alfred's will and evidently means trusted servant.²⁵ The genitive form appears in 'theningmannagemot,' a word that occurs in a document from Edgar's day.²⁶ The Norse 'thingamanna' could easily be formed from 'theningmanna.'

When we come to consider the corps of 'thingamen' as an organized guild, it will become clearly apparent that the institution as well as the name was unknown in England before the last great Danish invasion. But before proceeding with such an examination, it will be necessary to consider the argument of those who connect the corps of house-carles with the mighty *comitatus* of Jom. During the period of the viking-raids the Danes established themselves among the Slavic Wends in the region of present Pomerania. To guard their interests there they built the famous stronghold of Jomburg,²⁷ near the town of the same name.²⁸ This was the retreat of the Jomvikings, a brotherhood of pirates, bound by laws and regulations which the sagas give quite circumstantially. Membership was limited to warriors between the ages of eighteen and fifty. Every viking was sworn to revenge his fellows. Women were excluded from the stronghold. No member was permitted to absent himself for more than three days at a time. All news was first to be reported to the commanding chief. The leader also was to act as judge. Law-

²²I believe this word or any form of it occurs but once in the English sources and then in a Norman-English document, the *Leges Henrici Primi*, 15: "Dena-gildum quod aliquando þingemannis dabatur."

²³See Steenstrup's *Danelag*, 130 ff., for a discussion of the various forms in which these words appear in the Norse sources.

²⁴Such is Steenstrup's view (*Danelag*, 133). It seems rather strange, however, that the guard should be known by a Norse name in England and by an Old English name in the North. Other writers have tried to connect it with *thegn*.

²⁵*K. O. D.*, No. 314. The thenigmen are to assist the ealdormen in distributing the wealth bequeathed.

²⁶*Ibid.*, No. 1258.

²⁷Its establishment seems to date from the reign of Harold Bluetooth, Sweyn's father. The subject is discussed in the opening pages of Steenstrup's monograph, *Vendernes og de Danske*. Cf. *Sævo*, 325; *Knyttlingasaga*, 1.

²⁸*Sævo*, 325: Apud Iulnum. Adamus calls the place "nobilissima civitas Iumne." II, 19. The sagas speak of Jomsborg and Jomsviking. Jom was situated on the island of Wollin at the mouth of the Oder.

breakers were banished.²⁹ The only truly historic chief of the Jomvikings was the shrewd and treacherous earl Sigvaldi. With his leadership came a growing disregard for the laws of the guild,³⁰ and its power rapidly declined. The last great exploit of the Jomvikings was the attack on Norway which the crafty King Sweyn had induced them to make. At Hiorunga Bay Sigvaldi's fleet met that of Earl Hakon and was completely crushed.³¹ Sigvaldi saved himself by flight.

Of the subsequent history of Jom almost nothing is known. Many of the vikings seem to have enlisted in Sweyn's service when he invaded England, or, what is more likely, they may have made independent raids on the English shores. Sigvaldi may have died in England in the great massacre of 1002, for in 1009 we find his brother Thorkil the Tall coming to England to revenge a slain brother.³² Later in the year came another fleet under the leadership of Heming, Thorkil's brother, and Eilif.³³ The saga tells us, that, when the corps of 'thingamen' were established in London and Slesswick, Eilif and Heming were in command.³⁴ There probably were such bands, but most likely they were in Æthelred's service;³⁵ for in 1011 that king purchased peace and Thorkil became his man.³⁶ It is reasonable to suppose that Heming, the chief at Slesswick, followed his brother's example. The saga tells us that after Sweyn's death the English plotted a massacre of the two garrisons, which in great part

²⁹*Jomsvikingsaga*, 24. There were several other interesting regulations, but the ones given are the most significant. Whether these vikings originated them may well be doubted. I am inclined to believe that we have in them a statement of the rules governing the ideal comitatus. As the pirates at Jom composed perhaps the greatest comitatus ever organized in the North, it is reasonable to suppose that these laws were in force there; and that later tradition should also ascribe their authorship to the Jomburg chiefs is not strange.

³⁰Women were admitted to the fortress 'two nights or three, and the men were also at times absent longer than the law permitted.' *Jomsvikingsaga*, 84.

³¹According to Munch (*N. F. H.*, I, 2, 104) this battle was fought in 985-86. Storm in his edition of Snorre's history (*Olaf Trygvesson's Saga*, 35) dates it 994.

³²*Gesta Regis Onutonis*, I, 2: ...ut fratrem suum inibi interfectum ulcisceretur. Cf. the Jomburg laws.

³³*Flor. Wig.*, I, 160-61 (1009): ...exinde, mense Augusto, alia classis Danorum innumerabilis, cui praeerant duces Hemingus et Eglafulus....

³⁴*Jomsvikingsaga*, 50. Slesswick has not been definitely located.

³⁵The term 'Thingamen' (serving-men?) may have arisen at this time and from this service.

³⁶*A.-S. Chron.*, 1012 (1011?): Ða buzon to Ðam cynlinge of Ðam here XLV scipa.... Thorkil is found acting with Æthelred the next year. *Ibid.*, 1013.

succeeded.³⁷ Heming was killed, but Eilif escaped. Thorkil deserted Æthelred about this time,³⁸ perhaps because he now had another brother to revenge.³⁹ The vikings in England gathered about young King Cnut.

In the account of the massacre the saga relates that Thord,⁴⁰ a member of the Danish garrison at London, went out one day 'to the house of the woman who followed him.'⁴¹ Her home was outside the fortress—*utan borgar*—; she was evidently an English woman, at any rate she knew the plans of the English. Anxious to save her lover, she endeavored to induce him to remain with her till morning; failing in this, she revealed to him what her countrymen were plotting. From this it would seem that the London corps was governed by Jomburg laws.⁴²

But while admitting the presence of Jomvikings in Cnut's forces and higher councils when he finally got control of all England, I cannot subscribe to Munch's opinion that the corps of house-carles was simply the Jomburg remnant somewhat transformed.⁴³ If the sagas are correct there could not have been much of a remnant after the great massacre of 1015. And what of that splendid army that Cnut and Thorkil led to England that same year? 'In that host there was neither slave nor freedman, nor any one weak with old age; all were nobles, all vigorous with the strength of complete manhood, fit for all manner of battle, and so speedy that they despised the fleetness of cavalry.'⁴⁴

³⁷*Jomsvíkingasaga*, 51. This must have occurred about 1015. The English sources are silent on this point, still, the story seems to have some foundation. Heming disappears from English history about this time, while Eilif (Eglafr) is found witnessing charters a decade later. See *K. O. D.*, No. 728. The massacre, if it occurred, serves to explain not only Thorkil's defection but also the great efforts put forth by the Danes to conquer England once for all. For a fuller form of this argument see Napier and Stevenson, *Crawford Collection of Charters*, 139-42.

³⁸*Gesta Cnutonis*, I, 2. He came to Denmark with nine ships.

³⁹Cf. Jomburg laws.

⁴⁰The editors of the *Crawford Collection of Charters* (148) suggest the possibility that this person may have been the one who later signed a charter as staller. (149.)

⁴¹*Jomsvíkingasaga*, 51: 7da dag jóla gekk þorðr utan borgar til hús konu þeirrar er honum fylgði.... The Icelandic idiom implies a mistress, not a wife.

⁴²It will be remembered that these laws required that all news be reported first to the chief; that members of the corps should not be absent for more than a definite period; that women should be kept outside the fortress.

⁴³*N. F. H.*, I, 2, 473.

⁴⁴*Gesta Cnutonis*, II, 4.

The author of this *Encomium*⁴⁶ also describes the splendor of the ships and the armament. He is, indeed, not to be taken too seriously; but Cnut no doubt led a valiant, well-equipped host. It is no doubt true that Danes and Jomvikings formed the larger part of Cnut's guard, as finally organized,⁴⁸ but by no means the whole. According to Saxo the warriors differed much in race, language and character.⁴⁷ The sagas bear similar testimony.⁴⁸

That the idea of forming such an organization should have been borrowed from Jom is also very improbable: more likely it was derived from the early court of Norway where a similar guard seems to have existed at least a century before the pirate-guild on the Oder was formed. The corps of house-carles was apparently not only a royal guard but also a standing army to occupy and defend the realm,⁴⁹ and keep the new subjects in awe and obedience. Such a force existed at the Norwegian court perhaps as early as the ninth century. In Hornklofi's Ravensong the valkyrie asks: "How does the generous prince deal with the men of feats of renown *that guard his land?*" The raven replies: "They are well cared for, the warriors that cast dice in *Harold's court*. They are endowed with wealth and with fair swords, with the ore of the Huns, and with maids from the east."⁵⁰ Hornklofi was Harold Fairhair's minstrel. That king was also a conqueror: his realm had been consolidated only after ten years of struggle.⁵¹ The royal guard *par excellence* was the king's 'bear-sarks,' or 'wolf-coats' as the poet calls them. These were the king's select champions,⁵² warriors in whom the *furor athleticus*⁵³ was exceptionally strong.

⁴⁶The *Gesta Onustonis* is also known as the *Encomium Emmae*.

⁴⁷Trall, *Social England*, I, 135: The enlistment of a number of the banished sea-rovers of Jom under Thurcytel the Tall was the nucleus of the force of housecarles. (F. Y. Powell.)

⁴⁸P. 352. Saxo also tells of a Slavic prince who joined Cnut's household. Cf. Kemble, *Sax. in Eng.*, II, 120; Freeman, *N. C.*, I, 497.

⁴⁹But the sagas add that the majority were Northmen: "oc mest af danscri tungo." *Morkinskinna*, 111.

⁵⁰Freeman, *N. C.*, I, 498: They were a standing army in days when a standing army was a new thing. See also Kemble, *Sax. in Eng.*, II, 118-119; Green, *Conqu. of Eng.*, 414-15; Ramsay, *Found. of Eng.*, I, 414.

⁵¹*O. P. B.*, I, 256-57. (Vigfusson's translation. The italics are mine.)

⁵²The dates usually given are 860-70.

⁵³*O. P. B.*, I, 257: Wolfcoats they call them, that bear bloody targets in battle, that redden their spear-heads when they come into fight, when they are at work together. (Vigfusson's translation.)

⁵⁴See Cleasby and Vigfusson, *Icelandic Dictionary*, Berserkr.

They guarded the forecastle of the king's ship, standing just behind the keepers of the royal standard.⁵⁴ Some of the sagas give twelve as the number of these wolf-coats, Egil's saga being the most explicit on this point.⁵⁵ Christianity did not look with favor on the bear-sark, and for that reason, perhaps, we find no trace of such select warriors among the house-carles. But otherwise the guard of 'thingamen' recalls Harold's Norwegian 'hird.' The wolf-coats and their associates were carefully selected;⁵⁶ they guarded the realm as well as the king's person; they were in a sense mercenaries.

As to the time when the royal guard was established in England the sources do not agree. Several of the sagas assume its existence before the death of Sweyn (1014).⁵⁷ The *Knytlinga-saga* states that it was formed immediately after his death by the Danish chiefs then in England.⁵⁸ But the chronology of the sagas is not to be trusted. It seems probable, however, that the term 'thingamen' came into use during the wars with Æthelred, for we find that in Thorrod's praise of Earl Erik the men who followed the earl against Ulfcytel are alluded to as 'thingamen.'⁵⁹ Sveno and Saxo hold that Cnut selected the men, organized the corps and promulgated the guild-law. This is the view generally accepted.

According to Sveno, Cnut's army contained men of all degrees of bravery, nobility and wealth. The king proclaimed that only those would be admitted to his chosen guard who bore two-edged swords with hilts inlaid with gold.⁶⁰ He tells us that the wealthy warriors made such haste to procure properly ornamented swords, that the sound of the sword-smith's hammer was heard all through the land.⁶¹ Thus the guard was made up wholly of

⁵⁴Snorre, *Harold Fairhair's Saga*, 9.

⁵⁵C. 9: En berserker konungs xij voro i soxum.

⁵⁶*C. P. B.*, I, 257: The wise king, I trow, will only enrol men of high renown among them that smite on the shield. (Vigfusson's translation.) This is said particularly of the bear-sarks, but the regular guardsmen are also spoken of as "men of feats of renown." (256.)

⁵⁷*Jomsvingasaga*, 50: Sveinn konungr setti þingamamannalið i tveim stöðum. The *Saga of Saint Olaf* (9) assumes the existence of the thingamannalið before 1009, perhaps as early as 1002.

⁵⁸C. 7.

⁵⁹*C. P. B.*, II, 105. Erik assisted Cnut in his invasion of England. He was made earl of Northumberland in 1016. See *Crawford Collection of Charters*, 144-48.

⁶⁰Sveno, *Lex Castrensis*, 2. (S. R. D., III, 144.)

⁶¹*Ibid.*

such as could add splendor to the royal retinue.⁶² It has been thought that this selection was made in 1018.⁶³ It could hardly have been later, as in that year Cnut sent his fleet back to Denmark, retaining only forty ships.⁶⁴ The guard existed in 1023; Osbern reports that a great multitude of house-carles were present at the translation of Saint Elphege's remains in that year.⁶⁵ An exact date cannot be fixed; it is also possible that the corps was to some extent a growth.

The laws governing Cnut's military household may be summarized as follows from Sveno's *Lex Castrensis*: The house-carles should be seated at the king's tables according to their eminence in warfare, priority of service or nobility of birth.⁶⁶ To be removed to a lower place was counted a disgrace.⁶⁷ In addition to daily fare and entertainment the warriors received wages;⁶⁸ according to Saxo these were paid each month.⁶⁹ The bond of service was not permanent but could be dissolved on New Year's Day only.⁷⁰ All quarrels were to be decided on the oaths of two house-carles in the gemot of the corps, the *Huskarlesteffne*, where the king was also to be present.⁷¹ Members guilty of minor offences, such as not caring properly for the horse of a fellow-guardsman, were given lower places at the king's tables.⁷² If any one should have been thrice convicted of such misdeeds, he was to be given the last and lowest place at the tables, where no one was to communicate with him in any way; the feasters might, however, throw bones at him with impunity.⁷³ In controversies

⁶²Saxo (351) appears to think that personal bravery more particularly characterized the house-carles: "Jamque frequens ad Kanutum milles defuxerat, animis quam impensis onerosior. Plerisque enim amplior uirum quam morum grauitas inerat...."

⁶³Such is the view of Steenstrup (*Danelag*, 138) and Freeman (*N. C.*, I, 297). Ramsay (*Found. of Eng.*, I, 414) holds that "the institution is carried back to the time when Thurkill's fleet was taken permanently into Æthelred's pay in 1014."

⁶⁴*A.-S. Chron.*, 1018.

⁶⁵Wharton's *Anglia Sacra*, II, 146: *Divisus ergo a Rege Archiepiscopus cum ingenti Huscarilum turba praecedentes subsequitur. On the credibility of Osbern's account see Hardy, Catalogue of British History*, I, 622.

⁶⁶Sveno, *Lex Castrensis*, 5.

⁶⁷*Ibid.*

⁶⁸*Ibid.*, 6.

⁶⁹Saxo, 351.

⁷⁰Sveno, *Lex Castrensis*, 7.

⁷¹*Ibid.*, 8: "...in colloquio quod dicitur Huskarlesteffne...."

⁷²*Ibid.*, 5.

⁷³*Ibid.*

over lands and plunder the oaths of six house-carles were required, the six to be selected by lot from the division to which the accused belonged; but the power to decide still lay with the gemot.⁷⁴ Whoever should slay a comrade should lose his head or be driven into exile;⁷⁵ the Danish text says, 'he shall be driven off the king's estates with nothing's word, and shall be exiled from every land under Cnut's rule.'⁷⁶ *Crimen majestatis*, or treason, was to be punished by death and the confiscation of all the criminal's property.⁷⁷

These regulations were put into their present form four or five generations after their presumptive origin. We cannot, therefore, accept them as evidence without further investigation as to what extent they are to be credited, if they are to be credited at all.⁷⁸ It should be observed first of all that the house-carles in Sveno's law are the house-carles of the king of Denmark. In the twelfth century there seems to have existed at the Danish court a military guild whose traditions went back to the elder Cnut.⁷⁹ Scandinavian investigators apparently agree that by the end of the twelfth century, when the *Lex Castrensis* was put into writing, the corps had ceased to exist as a guard.⁸⁰ But Sveno tells us that, in the days of King Nicholas (1103-34), Christiernus, his own paternal grandfather, belonged to the guild and was tried for the murder of a fellow house-carle.⁸¹ There seems to

⁷⁴ Sveno, *Lex Castrensis*, 9.

⁷⁵ *Ibid.*, 10.

⁷⁶ *S. R. D.*, III, 162: ...tha skal han wrakas aff konungs garthe meth nithings orth, oc fly al land, ther Knut war konung iwer. Cf. *Lex Castrensis*, 10: ...cum proboso nuncupationis vocabulo, id est nithingsorth, ejectus abscederet.

⁷⁷ Sveno, *Lex Castrensis*, 14.

⁷⁸ The attitude of historians toward this work has been various. Danish investigators usually accept it without question, as do also Lappenberg (*Hist. of Eng.*, II, 247-48), Kemble (*Sax. in Eng.*, II, 119 ff.) and Ramsay (*Found. of Eng.*, I, 418). Freeman, on the other hand, has his doubts: "That Cnut did organize strict laws for the government of the force there is no reason to doubt; but I confess that in the *Leges Castrenses*, as we have them, there is much that has a mythical sound." *N. O.*, I, 497.

⁷⁹ Absalom's authority was the king himself. It is Absalom's work that Sveno claims to have translated.

⁸⁰ It is generally thought that the guard had developed into a new nobility, that the members no longer resided at court, and that a desire to know the obligations of these new aristocrats to their lord was responsible for Absalom's compilation.

⁸¹ Sveno, *Lex Castrensis*, 11. This grandfather was a man of prominence; two of his brothers were bishops and two others were "proceres."

be no reason to doubt this statement, as on this matter the author ought to be well informed. We may safely conclude that the guard existed in Nicholas' day and that its origin belongs to some earlier date. The four preceding reigns were brief and turbulent;⁸² it is not likely that such an institution as the one we are considering could have arisen in that period. The Danish sources assume that the guard existed in the earliest of these reigns, that of Harold (1076-80) and certain changes in its laws are attributed to him.⁸³ Sweyn Ulfsson, the father of these five kings and a nephew of the great Cnut, was an able and vigorous monarch. His reign was comparatively long (1047-76), and, if the corps described by Svenno in the *Lex Castrensis* is a purely Danish institution, it probably originated while he was king. He may have found the guild already organized in Denmark, or he may have formed it along English lines with warriors who had served in Cnut's guard as a nucleus.⁸⁴ It seems reasonable to suppose that the organization of house-carles in Denmark was, in a sense, a continuation of the great English corps.

It will not do to insist that Svenno and Saxo are correct in every detail as to the laws proclaimed by Cnut; during the intervening period certain changes had been made, several of which Svenno indicates.⁸⁵ But, if the *Lex Castrensis* is read in the light of the earlier sources, I believe it will be found that on the more important points, the origin of the corps, its membership and its corporate nature especially as revealed in its judicial authority and organization, Svenno's account may be accepted as fairly reliable. It may also be found that the 'law' is not wholly new,

⁸² Harold, 1076-80; Salnt Cnut, 1080-86; Olaf, 1086-95; Erik, 1095-1108.

⁸³ See Holberg, *Dansk Rigshovgivning*, 4 ff. But the evidence for Harold's emendations are by no means conclusive.

⁸⁴ The restoration of the old royal line in England doubtless caused many Northmen to return to Denmark. Cf. *A.-S. Chron.*, 1047. Sweyn himself probably served in England under Harthacnut. His brother Osbern was in England till he was expelled. See *Adamus*, III, 18. Svenno (11) speaks of an old warrior, Bo Hethinsson, at one time a house-carle at Cnut's court, who was called on in the days of King Nicholas to declare the ancient customs of the guild in the case of murder. The story is improbable. If Bo served in Cnut's guard he would be extremely aged at the time indicated. Cf. Freeman, *N. O.*, I, 498.

⁸⁵ Such as substituting fines for capital punishment. *Lex Castrensis*, 12. Cf. *Saxo*, 356. For the probable later additions to Cnut's guild-law see Holberg, *Dansk Rigshovgivning*, 37.

but is to a great extent a statement of old household customs common to the North and older than the power of Cnut.⁸⁶

The manner in which Cnut selected his men must have been to some extent an innovation. It seems to have been customary for the Scandinavian king to give a sword to the one who entered his service.⁸⁷ If the henchman was to be signally honored, the pledge would be a splendid blade with a gold-mounted hilt.⁸⁸ It will readily be seen that if the English guard was as large as has been represented to us,—three thousand men or more—the king would be put to great expense. But if each house-carle furnished his own sword, not only would the royal treasury be spared, but Cnut would also secure a guard drawn largely from the nobler and wealthier classes. The statement that a house-carle might leave his lord's service needs no comment. From numerous passages in the Norse laws and sagas it is evident that the relationship need not be permanent.⁸⁹ The further statement that Cnut released his men on New Year's eve only must be considered in connection with the fact that on this, the seventh day of the Christmas festival, it was customary for the Norse king to pay his house-carles their lawful wages,⁹⁰ to honor the more worthy ones with gifts and perhaps to make certain changes in the personnel of the guard.⁹¹ The custom seems to be at least

⁸⁶Ramsay (*Found. of Eng.*, I, 418) also looks on the *Lex Castrensis* as an ancient code, but apparently for a priori reasons only.

⁸⁷When Sighvat the Poet entered Saint Olaf's guard (ca. 1016) he composed a poem of which the following fragment has come down to us: "I willingly received the sword from thee, king, nor shall I ever repent it. We have both made a good bargain; thou hast got a good house-carle and I have got a good liege-lord." *O. P. B.*, II, 149. (Vigfusson's translation.)

⁸⁸The sword that Sighvat received seems to have been of such a character. He says in speaking of his pilgrimage: "War-weary I left the gold-wound battle-rod, which the king gave me.... I laid down the silver-hilted weapons and took up the consecrated staff. *Ibid.*, 148. (Vigfusson's translation.) Cf. *Ibid.*, 246.

⁸⁹In Norway the duties of the house-carles ceased with the king's death. Violations of the court law were punished by expulsion. *Norges gamle Love*, II, 399, 435 ff.

⁹⁰Keyser, *Efterladte-Skrifter*, II, 87.

⁹¹As the court was a law-bound guild of which the king was only a member, though a powerful one, no one could obtain membership except by consent of the house-carles. It was practically impossible to consult the whole guard at any other time than at the great festivals. It was, however, not always necessary to consult all. The 'Court law' of the thirteenth century speaks of this as an old custom: "they shall ask admission to membership according to old custom: "sem forn er sibr til." *Norges gamle Love*, II, 439. Cf. *ibid.*, 422.

as old as the time of Saint Olaf.⁸² We are told that the king provided entertainment for his men, but we need not take this to mean that the house-carles always dined in the king's presence. It was customary for the Norse king to eat and drink with his assembled guard at certain great festivals only.⁸³ The house-carles were then seated according to rank⁸⁴ and to be moved to a lower place was doubtless counted great dishonor. In earlier days the henchmen seem to have enjoyed great freedom at these banquets.⁸⁵

That the Norse house-carles received regular wages in the twelfth century is clear;⁸⁶ but what the custom was in the days of Olaf and Cnut, we do not know. Still, Sveno's statement that the English house-carles were mercenaries is doubtless correct. The saga calls them *málamenn*, men receiving wages.⁸⁷ Florence of Worcester speaks of them as *solidarii*⁸⁸ and William of Malmesbury calls them *stipendiarii*.⁸⁹ In addition to wages the chiefs evidently received landed estates. Of charters granting such favors to house-carles but few are extant;¹ most of our evidence on this point comes from Domesday. Thirty-three house-carles are mentioned in William's survey as holding lands prior to the

⁸² Snorre tells us of a gift given to Sighvat on a New Year's eve. *St. Olaf's Saga*, 172: 'He had, as he was accustomed to do, collected his valuables to distribute them as gifts of friendship on the eighth eve of Christmas.' Then quoth Sighvat (*C. P. B.*, II, 150): 'Swords gold-mounted are standing there; I would gladly take it, if thou wouldst give me any one of them; I have served thee long.'

⁸³ The 'guests' dined with the king at Christmas and Easter only. *Speculum Regale*, 259.

⁸⁴ *Norges gamle Love*, II, 148.

⁸⁵ *C. P. B.*, II, 149. Sighvat, when the court was crowded: "Ye are thronging about the good young king, and elbow each other so that I cannot get a word from Olaf." (Vigfusson's translation.) It should be added that the rude table-manners described by Sveno had evidently disappeared almost entirely by the time the *Lex Castrensis* was written. See *Speculum Regale*, 241 ff.

⁸⁶ *Ibid.*, 257 ff.

⁸⁷ *Knytingasaga*, 7.

⁸⁸ I, 204.

⁸⁹ *Gesta Regum*, I, 282. In speaking of the English at Hastings.

¹ *K. O. D.*, No. 1818. Cnut grants "VII terrae mansas... meo fideli ministroBoul." To this is added a rubric in Anglo-Saxon in which Bovi is called house-carle.

Ibid., No. 843. Edward confirms a grant to Westminster "swa full and swa forð swa ðurstan min huskaril hit furmest of me heold."

Ibid., No. 871. Edward confirms the right of Urk his house-carle to what wreckage might strand on his shore.

Conquest.² Usually it is stated that the holder was King Edward's house-carle.³ In only one instance does a house-carle holding land in Edward's reign hold the same estate in William's day.⁴ Nearly all the lands are located in the southern shires, more than half being in the counties of Middlesex, Buckingham and Hertford. No house-carle seems to have acquired lands in the old Danelaw.⁵ It has been observed by Steenstrup that the estates held by house-carles are of rather moderate sizes,⁶ ranging from half a hide to fifteen hides,⁷ the average being about four. But this writer overlooks the fact that great landed wealth in those days consisted less in large manors than in a number of estates sometimes contiguous, but frequently not.⁸ However, it is by no means likely that all the house-carles received lands or that those who were thus rewarded were given large estates.

²Summary by counties.

Buckingham, 7. I, 146b, 147, 149, 152, 152b.

Hertford, 5 (including one of Leofwine's). I, 136b, 138, 138b, 140, 140b.

Middlesex, 5 (including one of Harold's). I, 129, 130, 130b.

Gloucester, 3. I, 164, 167.

Suffolk, 3 (not king's house-carles). II, 441b, 442.

Bedford, 2 (including one of Algar's). I, 213, 216, 217.

Cambridge, 2 (including one of Wallef's). I, 195, 202.

Somerset, 2. I, 95, 99.

Surrey, 2. I, 36.

Essex, 1. II, 59 (Harold's house-carle).

Sussex, 1. I, 17.

Berks. Rex Edwardus habuit XV acras in quibus manebant huscarles. I, 56.
Dorset. In Dorecestre T. R. E. erant CLXXII domus. Hae pro omni servitio regis se defendabant et geldabant pro X hidis, Scilicet ad opus Huscarilum unam markam argenti. I, 75. (Similar payments were due from Brideport, Shaftesbury and Warham.)

See also Steenstrup, *Danelag*, 151-53, where a somewhat similar table is found. The figures given above are, however, somewhat fuller than those of Steenstrup, who seems to have overlooked several entries.

³Several of those referred to in the table above were earls' house-carles and it is possible that a few of the remaining ones may have borne the title as a proper name. But in all such cases it is likely that the bearer at one time had belonged to the guard.

⁴I, 99: Huscarle tenet unam virgam terrae quam ipsemet tenebat T. R. E.

⁵It is true that we have been able to locate but a small number of such estates, but it is also true that titles are often omitted in the survey, especially in the case of Edward's tenants. Some of the house-carles may have been classed with the thegns. Thus we have Burcardus Huscarle (I, 146b) and Burcardus teigns (I, 147). See also I, 152b, 217, 130b, 138, Alil and Achi.

⁶*Danelag*, 153.

⁷*Domesday*, I, 130: [Stanwelle, 15 hides.] Hoc manerium tenuit Azor Huscarle R. E....

⁸Azor Huscarl had a manor of 15 hides in Middlesex (*ibid.*, I, 130); but other lands in the same county belonged to an Azor whose title is not given. As this name is not a common one, it is possible that the same person is meant in all cases. An Azor Huscarl also held lands in Buckingham. *ibid.*, I, 152b.

According to the *Lex Castrensis* Cnut's guard was an organized guild with a code of laws defining the rights and duties of the members and a house-carle-gemot—*huskarlesteffne*—by which these laws were applied. On this point also the Norse parallel is both interesting and instructive. In the household of the Norwegian king as early as the twelfth century and perhaps earlier, the *hirpatefna*, or assembly of the henchmen, was the ruling authority in all matters affecting the membership. It passed on the admission of new members, tried offences and expelled or otherwise punished the guilty. In theory at least, its power exceeded that of the king who was merely a member of the guild.⁹

Returning to the subject of Cnut's guard, we shall find that Sveno's statement as to its corporate nature is supported by the best contemporary source, the Anglo-Saxon Chronicle. Certain events recorded in that document receive an added significance when studied in the light of the *Lex Castrensis*. During the reign of Edward the Confessor, Swegen, the son of Godwin, became implicated in a revolt. He fled, but later returned and slew Beorn, a nephew of Cnut and a brother of Sweyn, then king of Denmark. 'And the king and all the *here* declared Swegen a nithing,' says the Chronicler.¹⁰ When we consider the crime, the court and the verdict, it becomes clear that we have here a formal act of the house-carle-gemot.¹¹ *Here*, in Anglo-Saxon, is usually, perhaps always, applied to an alien, generally a Danish host,¹² the native levy being known as *fierd* or *fyrd*. It will be remembered that, according to Sveno's statement of the 'court-law,' any one who was accused of slaying a fellow-house-carle should be tried by the house-carle-gemot and if guilty should be exiled and given the 'nithing-name.' Beorn must have been one of the chiefs of the royal guard, else we should look for

⁹For the organization of the Norwegian *hirð* see Keyser, *Efterladte Skrifter*, II, 77 ff.

¹⁰*A.-S. Chron.*, 1049: And se cing þa and eall here cwædon Swegen for niðing.

¹¹Freeman (*N. O.*, II, 67-68) sees in this the action of "a military gemot." The *here* he thinks "consisted of the king's *Comitatus* of both kinds, of the thegns bound to him by the older and more honorable tie, and also of the standing force of the House-carles, or at any rate of their officers." But the historian of the Conquest can find no other instance of such a "military gemot" in English history and has to content himself with references to Tacitus' *Germania* and to his own study of Greek federations (67, note).

¹²Bosworth-Toller, *Anglo-Saxon Dictionary*, *Here*: It is the word which in the Chronicle is always used for the Danish force in England, while the English troops are always the *fyrd*.

action on the part of the *witan* and not of the 'host.' *Morkin-skinna*, a collection of Norse sagas, declares that such was the case: 'and this was the beginning of the conversation between Asmund and Sweyn the king, that Sweyn Godwin's son had slain Beorn his father in the thingamannalith.'¹² The term *nithing* is Norse both in origin and content. The group of crimes known to the Northmen as *nithing-deeds* was not so regarded by the Anglo-Saxons.¹⁴

Further evidence for the existence of such a *gemot* is found in the entries of the Chronicle recording the banishment of Godwin and his family (1051). In refusing to punish the citizens of Dover as the king had ordered, the great earl practically assumed the attitude of a rebel. Forces were gathered on both sides; in speaking of these the Chronicle uses the term *fierd*.¹⁵ In the hope, however, of reaching a peaceful settlement of the whole matter, the king called the *witan* to meet in *gemot* at London, at the same time also ordering out the *here*.¹⁶ Manuscript D calls this meeting a *stefna*,¹⁷ a term which recalls the *Huskarle-steffne* of the *Lex Castrensis* and the *Hirpstefna* of the Norse laws. The two phrases, *bannan ut here* and *setton stefna ut to Lundene*, probably mean that the house-carles were called to meet in formal *gemot*. At this meeting Swegen was outlawed a second time.¹⁸ Godwin's case came next. 'But it was not agreeable to him [Godwin] to heed the summons of the king and the *here* that was with him; so he left during the night. And the king had a *witenagemot* the next morning and declared him an outlaw, and all the *here* [outlawed] him [Godwin] and all his sons.'¹⁹

¹²86: ...at Svein Guþina son hafði vegit Biornu favður hans í þingamanna hlpi vestr á Englandi.

¹⁴In this I follow Steenstrup (*Danelag*, 27). This author further contends that the word did not appear in England before Danish times.

¹⁵MS. D., 1052.

¹⁶MS. E., 1048: Ða gerædde se cyning and his witan þæt man sceolde oðre syðan habban ealra gewitena gemot on Lundene to hærfestes emnlhte and het se cyning bannan ut here....

¹⁷MS. D., 1052:and setton stefna ut to Lundene. Steenstrup (*Danelag*, 182-88) places *stefna* among the Norse terms that crept into the Old English vocabulary during this period. Cf. Bosworth-Toller, *Anglo-Saxon Dictionary*, *stefnian*.

¹⁸Swegen had been restored to his rights in 1050 according to *Chron. C*.

¹⁹A.-S. *Chron.*, 1052, MS. D.: And man utlagode Ða Swægn eorl his oðerne sunu. Ða ne onhagode him to cumenne to wibermale ongean þone cyng and agean þone here þe him mid was: for Ða on niht awæg. And se cyng hæfde þes on morgen witenagemot and cwæð hine utlage and eall here hine and ealle his suna.

We are distinctly told that before the trial Godwin was summoned to make his defense before the king and the *here*, and that the latter body also acted when he was finally exiled. Everything considered, it is hard to escape the conclusion that the *here* was the corps of house-carles²⁰ and that this body was an organization with extensive jurisdiction over its own membership—a guild such as Svenö and Saxo describe.

But while the general constitution of the guild was unquestionably Norse in character, the judicial process of the house-carle-gemot seems to have been derived from non-Germanic sources, more particularly from canon law, either directly or indirectly through Anglo-Saxon legislation.²¹ Of the legal principles that seem to have had an Old English origin, the most noteworthy is the employment of the 'fore-oath': the accuser was required to swear that in presenting his charges he was innocent of all guile and was not moved by hatred or evil intent.²²

Of the guild as a military organization we know very little. According to Svenö the corps was limited to three thousand men;²³ Saxo gives six thousand as the number.²⁴ While neither of these writers can be relied on in matters of detail like this, it is likely that Svenö's statement is very near the truth.²⁵ The

²⁰If this explanation of the events of 1049 and 1051 has been proposed before, it has escaped my notice. Cf. Freeman, *N. G.*, II, 406: "I was puzzled fifteen years back at finding what appeared in one account as an Assembly of the Witan, described in the other as a gathering of armies. I did not then so well understand as I do now that in those days an army and a Witenagemot were very nearly the same thing." See also Kemble (*Sax. in Eng.*, II, 281) who also holds that Godwin was exiled by the witan.

²¹On this point I accept Holberg's conclusions in his comparative study of the *Lex Castrensis* and other legal systems of the same age, and from which I translate the following: 'We find in this process the same mixture of Roman and Germanic law that is again found in canon law; and there is not a single point that does not find its prototype in the process which in those days was employed by state and church in England and in France. In other words: there is in the process of the *Lex Castrensis* no trace of any application of Norse or Danish legal principles.' *Dansk Rigshistorie*, 79-80. Holberg uses Saxo's account as the more specific on this point.

²²*Saxo*, 354. Cf. Schmid, *Gesetze*, 578, where the fore-oath (for-að) is discussed and references given to the laws of Æthelstan and Cnut. See also Holberg, *Dansk Rigshistorie*, 48.

²³*Lex Castrensis*, 2: Cujus summa tria millia militum selectorum explevit.

²⁴P. 351: Ceterum Kanutus, tria prememorata regna circuleus, clientelam suam, sex millium numerum expletem, sexaginta nauglis...distinxit.

²⁵Saxo tells us they were distributed among sixty ships. But one hundred to an eleventh century ship seems a rather high average. Harold Hardrada's great Dragon, perhaps the one in which he sailed to England in 1066, had seventy oars. This ship was, however, exceptionally large. See *O. P. B.*, II, 209.

Lex Castrensis implies that all were gathered about the king, but such could hardly have been the case. Saxo expressly denies it: in the summer they were abroad guarding the realm; in the winter they were quartered throughout the kingdom.²⁶ Saxo also tells us that a house-carle might have a home of his own.²⁷ There would be nothing strange about such an arrangement, but we cannot know to what extent the author is reading later Danish conditions back into English history. It appears from Svenno's 'law' that the corps was divided into four divisions and that these were again divided into smaller troops;²⁸ but on this question the contemporary sources are silent.²⁹

As to the final fate of the guild, three different views have been advanced. Ramsay holds that the last house-carle was dismissed in 1051.³⁰ Munch reaches the same conclusion, but believes the guild was revived by Harold.³¹ Nearly all others who have written on the subject believe that it existed without interruption till 1066.³² This diversity of opinion arises from the use of the term *litsmen* in the Anglo-Saxon Chronicle. If the word is Old English, it should mean sailor³³ and no difficulties will arise. If the term is of Norse origin it may mean warrior³⁴ and it would be possible to conclude that the entry recording the dismissal of 'all the *litsmen*'³⁵ refers to the house-carles. But the Chronicle also

The sagas speak of ships of all sizes, from such as hold twenty to others holding more than two hundred men. I should say that sixty would be a fair average. At that rate, if we connect the corps of house-carles with the forty ships that Cnut retained in 1018, it would number about 2,400 men, while Saxo's sixty ships would bring it up to 3,600. There is a fairly satisfactory discussion of this question in Ramsay, *Found. of Eng.*, I, 415-16.

²⁶P. 351: Eandem, estate pro tuendo imperio excubantem, hyeme contubernalis discretam alere consuevit.

²⁷If a house-carle was summoned to appear at the gemot, notice was served once at his home and twice at his place at the king's tables; if he had no home, thrice at the king's tables. See Saxo, 354.

²⁸*Lex Castrensis*, 9. Cf. Steenstrup, *Danelag*, 141-46.

²⁹Kemble suggests (*Sax. in Eng.*, II, 122) that the stallers may have commanded the house-carles. As we found that there were several of these officials at the same time, three perhaps, it seems reasonable to assume that the corps was divided in England as it was in Denmark, one staller commanding each division. But this is mere conjecture and must be treated as such.

³⁰*Found. of Eng.*, I, 450-51.

³¹*N. F. H.*, II, 169, 820.

³²Such is the opinion of Freeman (*N. C.*, III, 499), York Powell (*Social England*, I, 135) and Steenstrup (*Danelag*, 140).

³³Bosworth-Toller, *Anglo-Saxon Dictionary*, Lidmann.

³⁴It is thus used by one of the scalds in speaking of the Norse forces at Stamford Bridge. *Morkinskinna*, 119. *O. P. B.*, II, 193.

³⁵*A.-S. Chron.*, 1050. MS. C.: þæs ycan gearas he sette ealle þa litsmen of male.

tells of nine ships of *litsmen* that were dismissed the year before: 'and they left the country with ships and with everything.'³⁶ The language here used would point to a naval force rather than to a land force such as we should expect the royal guard to be. Furthermore, it seems impossible that the Chronicler could have had the house-carles in mind, for we find these mentioned at a later period. The king's house-carles are referred to in connection with Earl Siward's invasion of Scotland in 1054.³⁷ Florence of Worcester, in his account of the Northumbrian rebellion of 1064, gives the names of two Danish house-carles.³⁸ That the corps existed in 1066 is hard to deny. William of Malmesbury tells us that Harold had scarcely any troops at Hastings but mercenaries: *stipendiarios et mercenarios milites*.³⁹ Snorre speaks of the 'thingamen' as fighting at Stamford Bridge.⁴⁰ Morkinskinna recounts the discussion among the Northmen when Harold's plan to aid Tostig became known: 'and there is also that troop called thingamen, which has been selected from various lands.... and they are the most valiant warriors, mighty and courageous, so that the prowess of one thingaman is considered equal to that of two of the best Northmen.'⁴¹ This disgusted Ulf staller and he replied in extemporized verse: 'It is no use for the king's marshals to turn into the fore-castle, if two of us, lady, are to fly before one Thingman. I did not learn this in my youth.'⁴² Evidently great apprehension did exist among the Northmen.⁴³ That the corps of house-carles was truly a valiant band was proved not only in the victory of Stamford Bridge but also in the defeat at Senlac.⁴⁴

³⁶1049, MS. C.:on þyson ylcæn gearæ Badwerd cing scylode IX scypa of male; and hi foron mid scypon mid eallon anweg...

³⁷A.-S. *Chron.*, 1054: Ac his sunu Osborn and his sweostor sunu Sihward and of his huscarlum and eac þæs cynges wurdon þær ofslegene.

³⁸I, 228: Danicos huscarlas Amundum et Reavensvartum...

³⁹*Gesta Regum*, I, 282:nam præter stipendiarios et mercenarios milites, paucos admodum ex provincialibus habuit.

⁴⁰*Harold Hardrada's Saga*, 94: Riddarar 20 riðu fram or þingamannaliði. ...

⁴¹P. 111.

⁴²C. P. B., II, 2.2. (Vigfusson's translation.)

⁴³The king of Norway began preparations early in the spring before his English namesake (who was consecrated in January) could have proceeded very far with organizing a new force of house-carles. And had the corps been dissolved by Edward, the fact would have been known at the Norwegian court, especially as Tostig was with the Norse king.

⁴⁴No doubt there were individual house-carles who survived Senlac; but the organization evidently perished in that battle. House-carles are mentioned in

Before dismissing the subject it may be well to review briefly the history of the institution as it appears from the author's point of view. The guard of house-carles did not originate in England, nor was it first organized by King Cnut, it was a rather highly developed form of the Norse *comitatus* transplanted to English soil. In Norway we find such a corps as early as the ninth century; in England in the first quarter of the tenth; and in Denmark it had a vigorous existence a hundred years later. The traditions of the Danish court, however, refer the organization of the guild to the time of King Cnut, and the probabilities are that the corps in Denmark was at least as old as the English guild. Cnut's father, Sweyn, as overlord of Norway, certainly knew the customs of the Norwegian court, and he, too, may have had some sort of a military household. At least we know that there were warriors at all the courts in Scandinavia in that period, and that they were often, perhaps generally, 'called house-carles. It is therefore possible that the Danish conqueror brought such a corps with him when he invaded England, but if he did the guard was later enlarged by the admission of kindred elements: Jomvikings, Norse vassals and English warriors. This reorganization apparently occurred about the year 1018, and it seems likely that a guild-law governing the household was promulgated very soon afterwards. This was no doubt mainly a collection of older customs with such additions as circumstances demanded. That a *comitatus* of Scandinavian origin should have such a body of rules is not at all strange: the sagas of the next century have much to say of the laws that governed the conduct of the vikings. A runic inscription from about the year 500 also seems to indicate that the *comitatus* was a law-bound guild even at that early date. Furthermore we have the laws of the Norse court of the thirteenth century and these make specific reference to an older court-law. The house-carles were mercenaries in England as in Norway and in addition to wages, or what passed as wages, they appear to have enjoyed the privilege of dining in the royal presence, though perhaps only on certain festive occasions. The corps as an organized guild exercised its authority in the gemot of house-carles where the king was present, not as a master but as an influential member. Most likely the house-carles had to be

the Chronicle in connection with the uprising of 1070, but it will be observed that they were Danes and were found among the rebels.

consulted whenever the king proposed to admit new members to the guild; such at least was the case in Norway. The character of the household was mainly military, though not exclusively so: the Norwegian king could employ his house-carles in various administrative capacities, and we know that English house-carles were at one time employed in collecting royal revenues.⁴⁵ The membership was comparatively large, about three thousand in England, it seems, but if we consider Cnut's exceptional position this number is not unreasonably great. The Norwegian kings in the generation following Cnut's death had two hundred and forty house-carles of various grades at their court and many more elsewhere in the kingdom. Edward the Confessor continued the guard, but apparently reduced it materially. It appeared for the last time in organized force on the field of Senlac, where it perished fighting for Saxon kingship. In the North, however, the corresponding corps lived on for two or three centuries. In Denmark the guild developed into a new nobility; but in Norway we find the king's house-carles as late as the close of the thirteenth century still organized as a martial brotherhood and serving their royal master within the hall and without according to the laws of the guild.

⁴⁵*Flor. Wtg.*, I, 195: Hoc anno [1041]....Heardecanutus suos huscarlas misit per omnes regni sui provincias ad exigendum...tributum.

CHAPTER VIII.

THE LESSER OFFICIALS AND SERVANTS OF THE COURT.

The four high officers of the Germanic courts represented the various departments of the household service. The great officials were the chiefs in charge. Each of these divisions no doubt had its full quota of lesser officials and inferior servants, the number varying with the importance of the department and the splendor of the court. As to the titles, numbers and duties of these, the English sources are not very explicit, but information is not wholly wanting.

In Eadred's will there is mention of an official who seems to have been connected with the service of the seneschal, namely the king's steward. That the latter was considered much inferior to the former appears from the fact, that while the seneschal was given eighty mancuses, the steward received only thirty.⁴⁶ The title does not occur very often; the mention in Eadred's will is the earliest known. We read of an earl's steward at Bamborough in 1093,⁴⁷ and of William of Eu's steward who was hanged in 1096;⁴⁸ the latter is called *dapifer* by Florence.⁴⁹ And in the entry for 1120 the Chronicler makes this very significant statement: 'on that journey were drowned the two royal sons...and very many of the king's household, stewards and chamberlains and butlers....'⁵⁰ The fact that no seneschal is mentioned in the account naturally leads to the inference that steward was the Saxon word for *dapifer* in the twelfth century. Even in the

⁴⁶ Birch, *Cartul.*, No. 912: And ælcen gesettan stigweard þritig mancun goldes.

⁴⁷ *A.-S. Chron.*, 1093: Hine sloh Mornel of Bæbbaburh, se wæs sþe eorles stiward and Melcolmes cinges godsib.

⁴⁸ *Ibid.*, 1096: And his stiward Willelm hatte...het se cyng on rode ahon.

⁴⁹ *Flor. Wig.*, II, 39.

⁵⁰ ...and swyðe manega of þæs cynges hired, stiwardas and burþenas and byrlas....

tenth the words must have meant very much the same, as a gloss of that period has *discoforus, discifer vel stiward*.⁵¹ But in this case there must have been some difference between popular usage and usage at court.⁵² In the half century just before the Conquest the office seems to have become general all over the country, but its functions are in every case such as we should assign to the seneschal.⁵³ It seems evident that in monastic establishments and in the house-holds of the king's vassals the two titles were used without much discrimination, and that after the Conquest the steward took the seneschal's place at the royal court also, in much the same way as the marshal superseded the constable.⁵⁴ But such a development could hardly have been possible if the stewards did not have some connection with the service of the king's tables in the earlier period.

The word *stigward* is a compound of *stig* (Mod. Eng. sty), an enclosure, or if need be a building, and *ward* (Mod. Eng. ward), a guardian. The steward was originally the guardian of the enclosure; so much is clear from the etymology. A service of this sort has an interesting parallel at the Norse court. The king of Norway in the twelfth century⁵⁵ had a group of household servants called 'guests,' *gestir*.⁵⁶ These were the outer guards of the royal establishment (the *hirpmenn* kept the inner guard), but they also served as spies in times of war and rode royal

⁵¹ *Vocab.*, 223:7.

⁵² See Eadred's will.

⁵³ In Leofgifu's will (*K. C. D.*, No. 931, undated but placed by Kemble late in the Saxon period) lands are given to three stewards, all servants of the testatrix. They cannot have been reeves, for a reeve is also remembered in the will. The stewards are placed well at the head among the different groups making up the household. In a body of guild rules from the same period (*ibid.*, No. 942) a steward occurs, plainly as one who has general oversight over the hall and other property of the guild. His permission must be obtained before a member can bring in more than a certain number of men. He also appears as the legal representative of the guild. The duty of distributing the bequests in Bishop Ælfric's will (*ibid.*, No. 759, placed late in the Danish period by Kemble) seems to be assigned to the stewards who are supposed to know which of the servants are to be remembered: "and scla man mina cnichtas þa mina stiwardas witan XXXX punða."

In Ælfric's vocabulary *stiward* is translated *economus*. *Vocab.*, 129:18. This title occurs in two charters (*K. C. D.*, Nos. 1006, 622); but it cannot be affirmed that a king's official is meant in either case. According to Du Cange, *economus* was sometimes used in the feudal period for dapifer or seneschal.

⁵⁴ Stubbs, *C. H.*, I, 373-74; Luchaire, *Hist. des Inst. Mon.*, I, 172.

⁵⁵ The sagas place this institution as early as the beginning of the eleventh century.

⁵⁶ See Cleasby and Vigfusson, *Icelandic Dictionary*, *Gestr*.

errands generally. The number of guests was always exactly half that of *hirpmenn* and their wages were also half as great. Still earlier we find a similar institution in Wales. On the subject of the king's retinue, the Latin translation of the old laws reads in part as follows: *Licitum regis est habere XXX^a sex homines equitantes in commitatu suo, id est, XXⁱⁱ III^{or} officiales suos, et duodecim hospites preter familiam, et optimates, et pueros, et ioculatores, et pauperes.*⁵⁷ As in the Norse household, the number of the lower officials is just half that of the higher. Furthermore, *hospes* in its general significance, is equivalent to guest. The Welsh word is *gwestai* which the English translator derives from *gwestva*, entertainment dues: "a term used for the provision or money-payment in lieu of it, due to the lord from the *uchelwyr* or free-holders."⁵⁸ The translator of the Welsh laws thinks the *gwestai* were "the persons who brought the *gwestva* or entertainment-dues from each *maenol* or manor to the lord."⁵⁹

It is extremely probable that there were officials in Old England whose duties resembled those of the Welsh *gwestai*. The Anglo-Saxon king had a right to demand a certain amount of provisions from at least some of his subjects, the *feorm* or *firma unius noctis*.⁶⁰ These dues may have been collected by the stewards and in that case we can readily understand how the later importance and significance of stewardship might be attained. The Norse guests and the English stewards resemble each other, it seems, in being primarily guards, and in their rank in the household. The stewards and the *gwestai* both appear to have duties connected with the king's tables. The guests and the *gwestai* are alike in their titles, which in both cases are rendered *hospites* in Latin.⁶¹ There is also the fact that in both house-

⁵⁷ *Ancient Laws of Wales*, 772. Cf. Seebohm, *Tribal System in Wales*, 163.

⁵⁸ *Ancient Laws of Wales*, Glossary.

⁵⁹ *Ibid.*, 4, note. On the subject of the probable relationship between the *gwestai* and the *gestir*, see also Steenstrup, *Danelag*, 124.

⁶⁰ In a Mercian charter from the close of the eighth century the grantee is released from all secular obligations to king or 'prince' "except in the matter of these dues, namely, for the rent at Westbury two tuns full of clear ale, and a coomb full of mild ale, and a coomb full of Welsh ale, and VII oxen, and six wethers, and XL cheeses and VI 'lang pero' and thirty ambers of rye corn, four ambers of meal, contributions to the royal vill." *K. O. D.*, No. 166. Thorpe, *Diplomatarium*, 39-40. Thorpe's translation. Cf. Seebohm, *Tribal Custom in Anglo-Saxon Law*, 431.

⁶¹ The Norse may have originated in a misunderstanding of the Welsh.

holds these officials are exactly half as numerous as the higher officials. The parallels, however, though interesting and worthy of some consideration, are by no means complete: the results reached after the most careful comparison still belong to the field of conjecture. But, if all these institutions have a common origin, the probabilities are that it was English. The Saxon court was the oldest of the three and doubtless exerted a powerful influence over the other two.

The Old English king seems to have been a great lover of the chase and was well provided with fowlers and falconers. These servants we know mainly from the charters⁶² and Domesday. All the *venatores regis* were, however, not connected with the chase: Ælfric in his Colloquy introduces us to a class of huntsmen whose occupation would scarcely be classed among the sports; their duties seem rather to have been to supply the king's tables with meats. Their methods were hardly noble, the net being a favorite instrument in the pursuit of their calling.⁶³ All the fruits of their labor belonged to the royal master.⁶⁴

The king's *venator* seems to have paid no attention to birds; they belonged to the province of the falconer or *accipitrarius*.⁶⁵ This servant is mentioned as early as the middle of the ninth century, when we find the first traces of an extensive hunting service. When the king traveled about with hawks and dogs and horses, the burden of feeding these would fall on the locality where the party might chance to be. In two Mercian charters from this period a release from this obligation is included in the list of immunities.⁶⁶ In the Confessor's day, the king's huntsman

⁶²In 956 Eadwig gave a manse and a half 'to his beloved, faithful and most famous huntsman, Wulfric by name.' *K. O. D.*, No. 458. Æthelred in 987 gave three mansae and three perticae to his venator Leofwine. *Ibid.*, No. 658. Æthelstan Etheling willed a horse (or a herd of horses: *stob*) to his stag-hunter (heah-deor-hunta). *Ibid.*, No. 722. These gifts were doubtless to the more favored among the huntsmen, perhaps to the chiefs of the service. There were also villis dedicated to the chase. Edward in 904 issued a charter from such a "villa venatoria." *Ibid.*, No. 1085.

⁶³*Vocab.*, 92: Plecto mihi retia, et ponq. ea in loco apto, et instigo canes meos ut feras persequantur, usque quo perveniunt ad retia improuise, et sic inretientur, et ego iugulo eos in retibus.

⁶⁴*Ibid.*, 93: Ego do regi quicquid capio quia sum uenator eius.

⁶⁵An *auceps* is referred to in Ælfric's *Colloquy* who used the falcon in his profession, though perhaps not generally. There is no evidence that he was anybody's fowler; bird-catching was his means of procuring a livelihood. *Vocab.*, 95.

⁶⁶*K. O. D.*, No. 261, Berhtulf, 848: ...sit liberatum...illud monasterium.... a pastu accipitrorum meorum omnium quam etiam uenatorum omnium, uel a

and falconer were apparently the most important of the lesser officials at court. The *venator*, who a century before received only his daily fare and wear with an occasional 'horse or ring to encourage him in his art,'⁶⁷ was a feudal tenant in 1066.⁶⁸ It appears that several of these servants retained their holdings and perhaps also their offices even after the Conquest.⁶⁹ Their estates were usually small, from half a hide to two hides.

In Berhtulf's charter referred to above, there is also an allusion to the king's horse-thegn.⁷⁰ The term is an exceedingly general one; any person having the care of horses in some way or other would be a horse-thegn or *minister equorum*.⁷¹ The dignity of this thegn evidently was in proportion to that of his master. The position of the royal hostlers would therefore be an eminently honorable one. Over them all there seems to have been a *summus minister equorum*, called, however, merely *hors-þegn* in Anglo-Saxon. We read of two such officials in the Chronicle: Ecgulf, who died in 897, and Wulfric, apparently his successor, who seems to have died later in the same year.⁷² This official is not mentioned in Eadred's will, in fact, the only notice of such a court official is in the entries of the Chronicle just referred to. It was no doubt the office of the horse-thegn that later developed into the dignity of the marshalship.⁷³

There is a servant alluded to in Ine's laws, the *horswealh*, who is generally supposed to have been connected with the service of

pastu equorum meorum, siue ministrorum eorum. Similarly, No. 278, Burhred, 855. Cf. Nos. 223, 224, Egbert.

⁶⁷*Vocab.*, 93: *Uestit me bene et pascit, aliquando dat mihi equum, aut armillam, ut libentius artem mean exerceam.*

⁶⁸As the holder is nearly always a tenant in chief there can be little doubt that a king's *venator* or *accipitrarius* is meant, even where this is not explicitly stated.

⁶⁹*Domesday*, I, 86b: *Wlwl uenator tenet de rege Liteltone. Ipse tenuit de rege E. Tunc II hidas.* *Ibid.*, I, 50b: *Godvinus accipitrarius tenet de rege dimidium hidam. Idem tenuit de rege E.* See also *Ibid.*, I, 189b, 190b et passim.

⁷⁰...vel a *pastu equorum meorum omnium siue ministrorum eorum.* An earlier allusion to 'those who lead horses' is found in one of Egbert's grants. *K. O. D.*, No. 286.

⁷¹*Mullo* and *agaso* are translated horse-thegn. *Vocab.*, 33:24, 119:34, 356:11, 440:32. It is possible that the lowest order of stable servants were known as *pabulatores* or *hors-hierdas*. *Hors-cniht* was also a term used. Says Ælfric, '[Haman] led mordercal...through the city as if he were his hors-cniht.' *Bibl. der eng. Prosa*, III, 99.

⁷²It is also possible that they were colleagues.

⁷³This subject has been discussed in part in connection with the stallership; see chapter VII. Cf. Stubbs, *O. H.*, I, 383; Round, *The Officers of Edward the Confessor*; *Eng. Hist. Rev.*, XIX, 90.

the king's stables: 'The king's *horswealh*, he who performs his errands, his wergeld shall be two hundred *scillings*.'⁷⁴ In the *Quadripartitus*⁷⁵ the title is translated *regis stabularius Waliscus*; but this explanation, though accepted by the editors of the Old English codes,⁷⁶ cannot be called satisfactory. We should expect most of the work about the royal stables to be performed by serfs. The *horswealh*, however, is not to be classed among the unfree.⁷⁷ His wergeld, though exactly equal to that of a common freeman, really indicates a higher rank. Being a Celt, his *wer* would be reckoned only half as great as that of a Saxon of equivalent social position. In his own race, the *horswealh* would stand comparatively high.⁷⁸ Furthermore, the fact that these *Wealhs* acted as the king's messengers goes to show that they could not have been bound to the service of the royal stables. It seems more reasonable to think of them as native Celts employed as the king's mounted messengers, carrying royal orders to the different parts of the West Saxon kingdom.⁷⁹

An entry in the Chronicle for 897 records the death of a *Wealh-gerefa* or Welsh-reeve. This title has been variously interpreted: Kemble believes it means a commander of the Welsh serfs at Alfred's court;⁸⁰ Earle holds that it refers to a reeve "commissioned to watch the Welsh border."⁸¹ But the probabilities favor neither of these interpretations. Wulfric, the reeve in question, was clearly a man of prominence or he would not have been mentioned in the Chronicle. Primarily, he was the king's marshal: "The same year Wulfric the king's horse-thegn passed away; he was also *Wealh-gerefa*."⁸² As horse-thegn he must

⁷⁴*Laws of Ine*, 33: Cyninges horswealh, se þe him mæge geærendian, þæs wergeld bið oc scil.

⁷⁵Liebermann, *Gesetze*, I, 22.

⁷⁶Thorpe, *Ancient Laws*, Glossary: Horswealh, the Wealh or Briton who had the care of the (king's) horses. Schmid, *Gesetze*, Glossary: horswealh, ein Wäle, der zur Pflege der Pferde bestimmt ist.... Liebermann, *Gesetze*, I, 22: Von einem [wälschen?] Königsmarschalk [Stallmeister].

⁷⁷Schmid thinks he was a serf: "...vielleicht auch nur überhaupt ein höriger Stallknecht...."

⁷⁸The wergeld of a 'Welshman' possessing one hide was 120 scillings; of one having half a hide 80; of a landless Wealh 60. *Laws of Ine*, 32.

⁷⁹There was a body of such servants at the Merovingian court called *cursores*. See Waits, *D. V. G.*, II, 2, 75.

⁸⁰*Ibid.* in *Eng.*, II, 179.

⁸¹*Two Saxon Chronicles* (Oxford, 1865), 321.

⁸²Two of the manuscripts have *Wealh-gefera*, which might mean Welsh companion. But the form *gerefa* in the other three is more probably the correct

have had charge of the royal stables, and being a court-functionary he could scarcely have acted as reeve on the frontier. As *Wealh-gerefa* he must have had charge of certain *Wealhs*; but these need not necessarily have been serfs. In Ine's day a *Wealh* had a wergeld even when landless.⁸³ To me it seems more reasonable to connect the 'Welsh-reeve' with the *horswealh* and to look upon Wulfric as master of the royal horse and chief of a body of mounted messengers, a service that was or once had been composed of Celts. It must be admitted, however, that this interpretation is also largely a matter of conjecture.

It would appear from certain rather doubtful allusions that the English king had a sword-bearer.⁸⁴ Several terms that might be applied to such a servant, such as *armiger*, *spatarius*, *wæpen-bora*, *swyrd-bora*, are found in the glossaries.⁸⁵ Bede's account of King Oswin's humility—how he gave his sword to one of his thegns and knelt at Bishop Aidan's feet⁸⁶—permits the inference that the Northumbrian king had such a servant. The term *armiger* is used for one who bore arms for King Edmund in Abbo's Epistle to Dunstan, written toward the close of the tenth century.⁸⁷ It is a significant fact that Ælfric in paraphrasing this account translates *armiger*, not with the general term *wæpen-bora*, but with the more specific word *swurd-bora*.⁸⁸ This word occurs quite frequently in Anglo-Saxon, especially in the devotional writings of the time.⁸⁹ But as these are largely translations, they can hardly be placed among the sources of English institutional history: the terms used may simply represent an effort to express a foreign idea. Still, the continued use of

one. If Wulfric were a "conviva regis" of British nationality, we should look for Celtic elements in his name; but Wulfric is Teutonic, root and branch.

⁸³It should be remembered that as Alfred reëdicted Ine's laws, such must also have been the condition in 897.

⁸⁴The sword-bearer, *spatarius*, was a well-known official at the Frankish courts. See Waits, *D. V. G.*, II, 2, 74-75; III, 509.

⁸⁵*Vocab.*, 142:8, 198:17, 332:24.

⁸⁶*H. B.*, III, 14: Porro rex....discinxit se gladio suo, et dedit illum ministris....

⁸⁷This armiger was a decrepit old man who once had related to King Æthelstan the story of Saint Edmund's passion. "Quibus fatebaris...quod eam junior didicisses a quodam sene decrepito, qui eam simpliciter...referabat gloriosissimo regi Anglorum Ethelstano, jurejurando asserens quod eadem die fuisset armiger beati viri, qua pro Christo martyri occubuit." *Memorials of St. Dunstan*, 879.

⁸⁸*Ælfric's Lives*, II, 314.

⁸⁹It occurs several times in the Old English version of Gregory's Dialogues. See *Bibl. der ang. Prosa*, V, 187, 300. It also appears in Ælfric's Homily on Saint Benedict. *Homilies*, II, 168.

swurd-bora where we might expect *wapen-bora* or some other more general term indicates that the institution was not unknown in England. William of Malmesbury evidently believed that it had existed in Saxon times: he tells us of an *armiger* who was put out to sea in an open boat with the unfortunate Edwin, Æthelstan's brother.⁹⁰ But the sword-bearer's office, if it existed at all, could not have been counted among the more important ones at the Old English court.⁹¹

On the subject of the king's standard-bearer the English sources leave us in much doubt. The war-banner was one of the emblems of Teutonic kingship. It was born before the war-lord when the host was on the march,⁹² and it waved above him when the battle was on.⁹³ Beneath it stood Hygelac the Geat on the field where he fell before the onset of Franks and Frisians.⁹⁴ Naturally, the bearer and guardian of the king's ensign was considered an official of great importance. In the earliest days of Norse kingship the 'marksman,' *merkismaþr*, was the highest in dignity among the king's men.⁹⁵ In *Beowulf* we apparently have the name of a banner-bearer, *Dæghrefn*, a warrior of the Hugs.⁹⁶ It is possible that the phrase 'guardian of the standard' used in this case means warrior in general;⁹⁷ but that the standard-bearer was known in those days as an important functionary appears from two passages in Bede's history. In the first Germanus,

⁹⁰ *Gesta Regum*, 156.

⁹¹ In the will of Æthelstan Etheling a bequest is made to the prince's *swurð-wita*: "And ic geann Ælffnoðe minon swurð-witan ðæs sceardan malswurdes." *K. O. D.*, No. 722; Thorpe, *Diplomatarium*, 566. There seems to be no reason why the second part of the compound should not be connected with *bewitan* or *bewitian*, to take care of or watch over. *Swurð-wita* would then mean sword-keeper. But Thorpe reads *swurd-hwita* and translate it "sword-furbisher."

⁹² This is vividly shown in *Æoðus* where the advance of the Egyptian host is described: "Him þær alge-cyning wið þone segn foran, manna þengel mearc-breote rad" (ll. 172-73). There is, however, some disagreement as to the translation of these lines. On the general subject see Paul, *Grundriss*, II, 2, 126.

⁹³ When the valkyries came to the host of Hakon the Good to select the worthy ones, they found the most excellent king under the war-banner. *O. P. B.*, I, 268.

⁹⁴ *Beow.*, 1202-05.

⁹⁵ Later he was superseded by the staller, the king's spokesman, who again had to yield to the chancellor or king's scribe. See Keyser, *Æfterlædte Skrifter*, II, 80, 82. The standard-bearer seems also to have been a great dignitary among the early Normans. Ordericus Vitalis mentions 'Roger Toni, standard-bearer of Normandy' among the great nobles in 1066. *History of England and Normandy* (London, 1858-56), III, 11.

⁹⁶ *Beow.*, 2505: cumbles hyrde.

⁹⁷ It appears to be thus used in *Riddle*, No. 41: Ne mæg mec oferswiþan segnberendra enig ofer eorþan nymbe se ana God.

acting as *signifer*, is described as rallying the Britons.⁹⁸ In the second we are told that King Edwin not only had a banner born before him in battle, but also when he traveled about the country in times of peace.⁹⁹ The duties of Edwin's *signifer* were doubtless of a heraldic order. John the Baptist is similarly spoken of in the Blickling Homilies: 'he...was standard-bearer of the heavenly King.'¹ Words meaning banner-bearer frequently occur in the Glossaries and elsewhere,² but, as a rule, we cannot affirm that a court-official is meant. The decline of the *signifer* seems to have begun early; he is soon lost in the great troop of thegns that throng the Saxon court. Still, there is no reason to think that his office wholly disappeared.

As to the appearance of the banner nothing definite is known. The term commonly used in describing it is *segen*; but *cumbol*,³ *tacn*, *thuf*⁴ and other more or less metaphoric terms also occur. The standard is frequently alluded to in *Beowulf*, and from the language used we should infer that it was highly ornamented,⁵ but we are not told how or with what device. It is not improbable that the Old English banner had, as has been suggested,⁶ the image of a boar or some other animal as its distinguishing

⁹⁸H. N., I, 20: Tum subito Germanus signifer universos admonet et praedicat ut voci suae uno clamore respondeant.

⁹⁹*Ibid.*, II, 16: Tantum vero in regno excellentiae habuit ut non solum in pugna ante illum vexilla gestarentur, sed et tempore pacis equitantes inter civitates sive villas aut provincias suas cum ministris semper antecedere signifer consuesset.

¹P. 163:22: He was segn-bora þæs ufancundan kyninges.

²The Latin terms are *draconarius*, *vexillifer*, *signifer*. The Old English are *segnbora*, *tacnbora*, *tacnberend*. See *Vocab.*, 117:29, 142:10, 225:13, 332:27; *Ælfric's Grammar*, 27. A standard-bearer is alluded to in two spurious charters pretending to be dated in Æthelstan's reign. *K. O. D.*, Nos. 846, 1128. William of Malmesbury uses the word *signifer* in the sense of leader. *Gesta Regum*, 187. In Abbo's Passion of Saint Edmund, it occurs in the metaphor "signifer in castris aeterni regis." *Memorials of St. Edmund's Abbey*, I, 15.

³*Cumbol* is a very general term; it may mean almost any emblem or even decoration. In the composition *eofor-cumbol*, it could mean a banner with the picture of a boar on it; but it might also refer to the boar image on the helmet. Thus it is used in *Elene*, 256-59. Earlier in the same poem it is used for the sign that Constantine saw in his vision (l. 76).

⁴The *thuf* was the particular kind of a banner that Edwin sent before him on his journeys.

⁵A golden banner was placed on the ship that carried Scyld away (47). Hrothgar gave Beowulf a golden standard with an ornamented staff (1020-21). An all-golden banner is found in the Dragon's cave (2767-69).

⁶By Dr. Friedrich Brincker in *Germanische Altertümer in dem angelsächsischen Gedichte Judith* (Hamburg, 1898), 17. Cf. Tacitus, *Germania*, 7; Müllenhoff, *Deutsche Altertumskunde*, IV, 200.

mark.⁷ The standard that Harold fought beneath at Hastings was graced with the image of a dragon.⁸

A thegn whose duties were to bring up and educate the royal princes is referred to in several of the older sources. The preceptor particularly mentioned is Thunor, *praepositus Ecgberhti Cantuariorum regis*, as Florence calls him.⁹ Elsewhere he is spoken of as 'thegn to his [the king's] children.'¹⁰ As Thunor is practically the only one who is known to have occupied such a position, it cannot be positively stated whether the office was regularly filled or not.¹¹ In Bede's history there seems to be an allusion to a king's almoner. He cannot have been a very important personage, however, as he has no distinctive title either in Latin or in Anglo-Saxon.¹² The Old English king doubtless had his *ostiarius* or door ward, and such a one seems to be mentioned in Beowulf.¹³ The cook and the baker do not appear in the English sources before Norman times; but we may safely assume that these useful servants were not wanting at the Anglo-Saxon court.¹⁴ Edward the Confessor had his own mead-maker; the office was doubtless an ancient one.¹⁵ Connected, no doubt,

⁷The banner assigned to the tribe of Juda (*Exodus*, 321) bore a golden lion. A raven graced the standard of the Norse invaders. See *A.-S. Chron.*, 878; *Geats Onstonis*, II, 9.

⁸Worsaae, *An Account of the Danes and Norwegians in England*, 60: On the often-mentioned Bayeux tapestry is also represented the fall of the English Harald Godwinson at the battle of Hastings. The king's flag-bearer, or marksman, who, as well as the king, is on foot, bears a flag-staff on which is fixed a figure, probably of cloth, cut in the resemblance of a dragon, which was the royal mark of the Anglo-Saxon king.

⁹I, 259. In one of the later charters he is called princeps. *K. O. D.*, No. 900.

¹⁰*Saxon Leechdoms*, III, 424: ... se leofestan ðegen to his bearnum.

¹¹That there were teachers at the royal court is a well-known fact. Wilfrid and Dunstan were both sent there to be educated. *Hist. York*, I, 4; *Memorials of St. Dunstan*, 11-12. Æthelwald learned many useful things from the wise men at Æthelstan's court. *Chronicon Monasterii de Abingdon*, II, 256. Still earlier, Alfred's court was almost a compulsory educational institution. See Asser in Petrie's *Monumenta*, 486. The early Capetian kings also had their preceptors at court. Luchaire, *Hist. des Inst. Mon.*, I, 165.

¹²Bede calls him the servant "cul suscipiendorum inopum erat cura delegata." *H. B.*, III, 6. Ælfric, in paraphrasing this account speaks of him as 'one of the king's thegns, the one who distributed his alms.' *Lives of Saints*, II, 130.

¹³When the Geats arrived at Heorot, they sat down on a bench outside and waited for an invitation to enter. Soon Wulfgar came out to learn who they were; he bore their message to the king and secured their admission. *Beow.*, 331 ff. The *ostiarius* is mentioned in the earliest Frankish sources. See Walz, *D. V. G.*, II, 2, 75.

¹⁴These were well known at the Frankish court. See *ibid.*, II, 2, 74; Luchaire, *Hist. des Inst. Mon.*, I, 164.

¹⁵*K. O. D.*, No. 845: paþu mi meodes wrihte....

with the service of the royal kitchen were certain thegns called *praevisores*. Often wealthy subjects would invite the king to their homes when he came into their region; but in such cases the king always wished to make sure that both hunger and thirst would be thoroughly sated and quenched. The *praevisores* were therefore sent ahead to inspect the supplies.¹⁶ The *carnifex* mentioned by Florence of Worcester was probably the king's butcher;¹⁷ strangely enough he is grouped with the great dignitaries of Harthacnut's court. A French monk who was highly skilled in medicine is said to have spent some time at the Confessor's court;¹⁸ it is probable that he was the king's physician.¹⁹ Among the servants of a more purely artisan character may be noted the king's smith,²⁰ his goldsmith²¹ and the *biga* who supplied him with carriages.²²

There were also certain classes of men on the royal estates who seem to have had no duties either as officials or servants. These were the *convivae regis*,²³ men of prominence who as the king's guests enjoyed royal hospitality for a longer or shorter period.²⁴ Such were probably the earlier *geneats*. The word *geneat* means primarily a companion and frequently occurs in compounds with

¹⁶ When the holy woman Æthelflæd was preparing a banquet for her royal kinsman Æthelstan, the *praevisores* found a sufficiency of everything but mead. Knowing the profundity of the royal thirst, they informed her that a greater supply must be prepared. Æthelflæd resorted to prayers and the mead-casks proved equal to the occasion. *Memorials of St. Dunstan*, 17-18.

¹⁷ I, 194: Thronð suum carnificem. Judging from the name we should say the incumbent must have been a Dane. For the meaning of *carnifex* see Du Cange, *Glossarium*.

¹⁸ *Memorials of St. Edmund's Abbey*, I, 56:quidam Baldewinus, ex Franciae partibus gloriosus, monachus....sed et medicina peritus, ex hoc quoque a rege Anglorum cum multa diligentia habitus.

¹⁹ Edward gave him an abbacy, perhaps as a reward. *Ibid.*

²⁰ The *faber regis* was evidently a person of some importance. He is given special and prominent mention in one of the earliest sources: "Gif cyninges ambicht-ambt oððe laadrinc mannan of sleht, meduman leodgelde forgelde. *Laws of Æthelberht*, 7. We read in *Domesday* (I, 86), that a certain smith received half a hide from King Edward.

²¹ Asser alludes to Alfred's goldsmiths (*aurifices*). Petrie's *Monuments*, 496. In one of Eadred's charters (949) two mansas are given to one of the king's men "uocitato nomine Elfsige arcisclaus, ob studium quam mihi auri argentique fabricae sollicitè deseruit atque decorat..." K. O. D., No. 428. At the time of the Domesday survey, "Teodricus aurifabrus" held lands "de rege Edwardo." *Domesday*, I, 86b.

²² See *Ibid.*, I, 7, 7b, 8, 12.

²³ Cf. Waits, *D. V. G.*, II, 2, 108-4.

²⁴ The term *conviva regis* may also be used in the broad sense of member of the king's household.

such a significance.²⁵ Perhaps those who came to the court to be educated should also be reckoned among the *convivae*.²⁶ Among the older we should look for the king's councillor's (*consilarii*) to whom the sources occasionally allude.²⁷ The Frenchmen whom Edward brought into his kingdom must be regarded as *convivae regis* at least until they had received official appointments.²⁸

To classify the members of the king's household, to say which of them were thegns or freemen or serfs, would be an impossibility. We can say only that all these classes were represented. Such terms as *satellites*, *palatini* and *sodales* are not used with a view to classification, but as general appellations for those in and about the palace who stood nearest the king. *Famulus* is another such inclusive term, but the *famuli* could not have been thegns: Bede carefully distinguishes between the two classes.²⁹ Florence, following Asser, speaks of the *familiares* and *ministeriales* of Alfred's court.³⁰ From Bede's account of the aggressions of these *famuli*, we shall have to conclude that they were at least freemen. Serfs were common on the royal estates as elsewhere.³¹ That the king held slaves appears both from manumissions³² and from direct statements in the earlier laws.³³

²⁵ Later the term came to be applied to one holding land by a particular tenure. See Seebohm, *English Village Community*, 128 ff.

²⁶ When Dunstan came to court he found a number of his young kinsmen there: "nonnulli propriorum sodalium et palatinorum, tum quam maxime vero consanguineorum suorum,..." *Memorials of St. Dunstan*, 11.

²⁷ *Consiliarius* is often used as if a member of the witan is meant, as when Bede tells us that Benedict purchased three estates from "Aldfrido rege ejusque consiliariis," *Opera*, II, 149. But Wilfrid's position at court as "excelsus consiliarius" must be looked on as that of a conviva. *Hist. York*, I, 59; a contemporary account. The consiliarii mentioned in some of Egbert's charters were apparently higher ecclesiastics regularly counted among the witan (*K. O. D.*, Nos. 1081, 1085); but "Ædeifeld consiliarius" who signed one of Eadred's charters and the two consiliarii Brihtic and Ælfgar who witnessed one of the Confessor's grants were most likely convivae and not regular officials. Birch, *Cartul.*, No. 876; *K. O. D.*, No. 811.

²⁸ *Lives of Edward the Confessor*, 899: Cum praedictus... rex repatriaret a Francia, ex eadem gente comitati sunt quam plures non ignobiles viri, quos plurimis honoribus ditatos secum retinuit idem rex, utpote compos totius regni, ordinariosque constituit secretorum consilii sui, et rectores rerum regalis palatii. (An almost contemporary account; written before the death of Queen Edith.)

²⁹ "...ministri quoque regis ac famuli. *Opera*, II, 219, Epistola ad Egbertum, 18.

³⁰ I, 89.

³¹ Queen Æthelflæd, wife of Edmund I, in her will gave freedom to half of her serfs. Thorpe, *Diplomatarium*, 519 n.; Birch, *Cartul.*, No. 1288.

³² One of Æthelstan's manumissions is extant. See Thorpe, *Diplomatarium*, 622.

³³ In the *Laws of Æthelbriht* there is a clear allusion to female slaves, the king's maids (peowas) who ground the corn (10, 11). The king's esne is mentioned in the *Laws of Ælfræd*, 22.

The only document that gives us any information as to how the king's attendants were classified is Eadred's will.³⁴ The chamberlains, the butlers and the seneschals form the highest group; the priests rank next to them; the stewards form the third class; all the lower officials are classed together as the following shows: 'and to every one of those who are in my household, be he in what employment he may.' But that there was a still lower group is implied in the concluding words of this same statement: 'unless he be little bound to the throne.'

As to whether the palatines received any wages in the modern sense of the word, we are poorly informed. It is, however, not likely that the king's financial obligations to the great majority of his attendants and servants extended beyond furnishing the necessary shelter, clothing and daily fare. The huntsman in Ælfric's Colloquy received no pay; but the king gave him an occasional gift.³⁵ These gifts, as we have seen, often took the form of lands. Yet, in the language of Alfred's will, there is a suggestion of fixed payments and a regular pay-day: 'and to those of my serving-men whom I gave fees (*feoh*) at Eastertide, let them give two hundred pounds, and let them divide [the money] among them, to each one as belongs to him, in the manner in which I recently distributed [fees].'³⁶ Such a custom was the ruling one in Wales³⁷ and the Northern countries³⁸ and it would be strange if it was not also general in England.

³⁴ Birch, *Cartul.*, No. 914.

³⁵ *Vocab.*, 93.

³⁶ *K. O. D.*, No. 314.

³⁷ *Ancient Laws of Wales*, 3: Three times in the year the above twenty-four officers are entitled to receive, according to law, their woollen garments from the king and their linen garments from the queen; namely, at Christmas, Easter and Whitsuntide. (See also the pages following where the fees belonging to each office are given.)

³⁸ The Norse king paid most of his thegns small sums at regular intervals. See *Speculum Regale*, 261 ff.; Keyser, *Efterladte Skrifter*, II, 86-87.

CHAPTER IX.

THE DEVELOPMENT OF THE KING'S HOUSEHOLD IN
ENGLAND AND ON THE CONTINENT.

The effort thus far has been principally to determine how the Old English court was organized, what offices composed the royal service, and what functions were assigned to each. There remains the question of the possible origin of this organization: did it originate in England or was it introduced from abroad? The titles borne by the various officials closely resemble those generally used at the Continental courts of that period, and some of the later offices, such as those of the staller and the chancellor, are of unmistakably foreign origin. It seems evident, then, that between the king's household in early England and the neighboring courts on the Continent a close relationship must have existed. It is the purpose of this chapter to trace in outline the development of the Germanic courts in northern and western Europe in order to determine, if possible, to what extent the organization of the Anglo-Saxon court was influenced by Continental custom and what influence, if any, it, in turn, exerted on similar households of a later date.

The early Teutonic household was doubtless a very simple arrangement: the lord of the house, whether mere freeman or mightiest prince, seems to have exercised direct supervision over all the forces in his service. But as wealth and power increased, duties multiplied and the number of servants grew correspondingly. This necessitated some form of divided labor, and several household departments came into being. Of these there were commonly four: a steward (*infertor*) had charge of all that pertained to his master's tables; a butler (*scantio*, *buticularius*) provided his wine, beer and other beverages; his treasures were in the keeping of a treasurer or chamberlain; a marshal (*comes*

stabuli) was in charge of his lord's stables. At times the supervision of the whole service was placed in the hands of a separate official known as the *seneschal* or *major domus*.³⁹

The king, however, was more than a possessor of large estates and other forms of wealth, he was the lord of his people, their leader in war, their judge and protector in peace. As time passed these governing functions of kingship, continuously growing in extent and importance, necessitated the creation of new offices and new departments of service. These were sometimes given to the old household officials and thus the king's personal servants, by taking on new functions, were gradually transformed into public officials; but the general tendency was to give each new department its own responsible head. Thus the royal court developed both on the personal and on the political side.

Under the Merovingian kings the palatine service was divided among eight officials, all of whom, however, were not of equal rank. Lowest, perhaps, stood the master of the horse⁴⁰ and the chief butler.⁴¹ On a somewhat higher plane were the *thesaurarius*⁴² who kept the king's treasures, including his wardrobe and the like, and the *seneschal*. This official, who seems to have had the entire household service under his supervision, was also known as the *major domus*. But, after this title had come to mean so much on the political side of the court, the *seneschal's* title was revived and with it his former general functions.⁴³ It seems probable that he also supervised the table-service more directly, as the *infertor* is nowhere mentioned in connection with the Merovingian court.⁴⁴

These dignitaries all belonged to the household proper.⁴⁵ More purely political were the offices of the *major domus*, the count of

³⁹For the materials used in this chapter I am largely indebted to the constitutional manuals of Brunner, Keyser, Luchaire, von Maurer, Stubbs, and Walz. See von Maurer, *Hofverfassung*, 189 ff., for a discussion of the primitive Germanic household.

⁴⁰The comes stabuli. See Walz, *D. R. G.*, II, 2, 72.

⁴¹*Ibid.*, 74.

⁴²*Ibid.*, 73. He was also called cubicularius, though it may be that the cubicularius was an inferior servant who was sometimes invested with the treasurer's office.

⁴³*Ibid.*, 71. Cf. Brunner, *D. R. G.*, II, 104.

⁴⁴Brunner, *D. R. G.*, II, 101.

⁴⁵There were also numerous officials and servants holding subordinate positions. Such were the camerarii who assisted the thesaurarius; the pincernae who served under the chief butler; the marshals who performed certain duties

the palace and the *referendarius*. Finally, as a Christian ruler, the Frankish king had his own priests, chief among whom was the palatine abbot.⁴⁶

The duty of the count of the palace (*comes palatii*) was to assist the king in his judicial functions, not, however, as a representative or as one who has an independent jurisdiction, but rather as an executive officer who attends to the legal machinery and to the details of the trial.⁴⁷ His office was of Germanic origin.⁴⁸ That of the *referendarius*, on the other hand, was originally Roman both as to name and functions.⁴⁹ The duties of this official corresponded to those of the later chancellor: they related to the keeping and the preparation of royal documents. The scribal work was performed mainly by his assistants who were known as *notarii* and *cancellarii*. Unlike his Carolingian successor, the *referendarius* was a secular dignitary, and had nothing to do with ecclesiastical affairs.⁵⁰

The highest official at the Merovingian court was the *major domus*. Originally he was merely the seneschal or chief servant of the household. 'To his older duties he added others of a more directly political nature: he commanded the king's antrustions, supervised the education of the palatine youths, served as his lord's representative in judicial affairs, acted as peace-officer when quarrels arose among the great lords of the kingdom, sat highest among the king's councillors and even controlled his master's possessions to a great extent.'⁵¹ The history of this official under the later Merovingians is well known. The Carolingian monarchs appointed no mayors and the office disappeared.⁵²

Generally speaking, the Carolingian kings and emperors retained the household system of the preceding dynasty.⁵³ Certain

under the orders of the *comes stabuli*; there were also the cook, the *mapparius* whose duty was to hand towels to the king, the *spatarius* who carried his sword, physicians, minstrels, goldsmiths, door-keepers, couriers and others. See Walts, *D. V. G.*, II, 2, 73-75; Brunner, *D. R. G.*, II, 101-02.

⁴⁶ Walts, *D. V. G.*, II, 2, 102.

⁴⁷ Brunner, *D. R. G.*, II, 108-10; Walts, *D. V. G.*, II, 2, 76-79.

⁴⁸ Walts, *D. V. G.*, II, 2, 76.

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*, 80-82; Brunner, *D. R. G.*, II, 113-14.

⁵¹ Walts, *D. V. G.*, II, 2, 83 ff.; Brunner, *D. R. G.*, II, 104-08.

⁵² It should be added that practically all the higher offices at the Merovingian court, including that of the *major domus*, could be held by several persons at the same time.

⁵³ Luchaire, *Hist. des Inst. Mon.*, I, 163.

changes had come about, however, the most important of which was the suppression of the mayorship. The position of the senechal had declined somewhat: instead of being the chief of the household he was now merely *infertor* or master of the royal tables.⁵⁴ The butler, on the other hand, had risen in rank and dignity and had taken his place among the highest officials at court.⁵⁵ The palatine count also occupied a more exalted position during the Carolingian period; certain functions of a judicial and notarial character formerly belonging to the *major domus* and the *referendarius* were now exercised by him.⁵⁶ The keeper of the king's strongbox was now known as *camerarius* instead of by the older title *thesaurarius*; his assistants bore the title of *cubicularii*.⁵⁷ In the notarial office great changes had taken place. The title of *referendarius* had gone into disuse and the chief scribe was now known as chancellor (*cancellarius*) or archchancellor.⁵⁸ The office itself had taken on an ecclesiastical character; it was united to that of the archchaplain, and henceforth the chancery and the royal chapel were almost identical.⁵⁹ It will readily appear that this consolidation of notarial and clerical offices would tend to transform the rather insignificant *referendarius* into an influential and powerful chancellor.

The confusion that followed the decline of the Carolingian dynasty also extended to the royal household. In the tenth and eleventh centuries the palatine hierarchy in the Frankish kingdom seems to be undergoing constant changes both in relative rank of offices and in the duties assigned to each.⁶⁰ Two ruling tendencies, however, are apparent: to change the character of the offices from personal to public, and to feudalize the same by assigning them to certain powerful families.⁶⁰ From the very beginning the kings seem to have employed their palace officials in occasional public capacities as judges, ambassadors, military com-

⁵⁴Waltz, *D. V. G.*, III, 499-500.

⁵⁵*Ibid.*, 501.

⁵⁶Brunner, *D. R. G.*, II, 110-12.

⁵⁷Waltz, *D. V. G.*, III, 502; Brunner, *D. R. G.*, II, 101.

⁵⁸Waltz, *D. V. G.*, III, 518, note.

⁵⁹*Ibid.*, 516 ff.; Brunner, *D. R. G.*, II, 114-17. This union of offices was largely due to the fact that the royal chapel in Carolingian times came to be used as the chief depository for royal documents; the employment of clerks as scribes led to the same result.

⁶⁰Luchaire, *Hist. des Inst. Mon.*, I, 163 ff.

manders and the like;⁶¹ but now the public functions of these dignitaries become regular and continuous, while their household duties pass into the hands of a lower order of servants.⁶² The feudalizing tendency was vigorously resisted by the kings, and the result of their opposition was that in a few centuries the grand offices of the household had been abolished or reduced to honorary dignities.⁶³

The household system of the Carolingians was retained both by the early Capetian rulers in France and by the imperial masters of Germany.⁶⁴ The palatine count, however, soon disappeared from the French court,⁶⁵ thus leaving in control the five historic court-officials: the seneschal, the chamberlain, the chancellor, the constable and the butler. Of these the seneschal was easily the most eminent: he had inherited nearly all the supervising power of the original mayor of the palace, the judicial authority of the palatine count and the duties of steward in the royal kitchen; to these functions was added supreme command of the king's armies.⁶⁶ But his royal master soon realized the danger in permitting the concentration of so much power in one official hand, and before the close of the twelfth century the seneschal's office was practically suppressed.⁶⁷ His military powers were now entrusted to the constable;⁶⁸ but again the subject threatened to become too powerful for his lord, and after 1475 the constable's office was usually left vacant.⁶⁹ During the period of his political eminence he had ceased to be a household official, his duties at court being performed by the marshal.⁷⁰ The history of the butler and the chamberlain closely resembles that of the seneschal and the constable. As their duties at court came in time to be performed by a lower order of servants, their own offices were reduced to honorary dignities and were finally left vacant or wholly suppressed.⁷¹ The chancellor alone survived into modern times.

⁶¹ Walz, *D. V. G.*, II, 2, 72 ff.

⁶² Luchaire, *Hist. des Inst. Mon.*, I, 171-94, passim.

⁶³ *Ibid.*, 195-96.

⁶⁴ *Ibid.*, 163; Walz, *D. V. G.*, VI, 327.

⁶⁵ *Ibid.*, 170.

⁶⁶ *Ibid.*, 178-80.

⁶⁷ *Ibid.*, 185.

⁶⁸ *Ibid.*, 171.

⁶⁹ Viollet, *Histoire des Institutions Politiques*, II, 116-17.

⁷⁰ Luchaire, *Hist. des Inst. Mon.*, I, 172.

⁷¹ The camerarius disappeared in the twelfth century (Viollet, *Histoire des Institutions Politiques*, II, 123) and the butler in the fifteenth (*ibid.*, 118, note).

At the imperial court of mediaeval Germany, the household officers did not rise to so great a power as in Capetian France;⁷³ nor did they entirely lose their character as personal servants of the emperor.⁷⁴ The chancellor alone may be said to have attained an influential position.⁷⁵ The German monarch preferred to assign public duties to ecclesiastics rather than to the lay members of his household,⁷⁶ hence the great importance of the mediaeval chancery. But, in the Empire, as in earlier France, all these dignities finally became mere titles and passed into the hands of certain leading feudal princes.

The last Teutonic court to be organized was that of Norway. As this differed in some respects from the Frankish type, it deserves to be examined somewhat closely.⁷⁷ The earliest Norse sources speak of three classes of 'kings-men,' the 'hirdmen,' the 'guests' and the 'house-carles.' Of these the 'hirdmen' composed the king's select guard; they usually served to the number of six or twelve at a time. In the days of Saint Olaf, sixty 'hirdmen' were with the king on his royal estate; half a century later the number was increased to one hundred and twenty. In the twelfth century it seems to have been still greater. The guests served as the outer guards at the royal vill and were frequently employed as the king's messengers, going as such to every part of the realm. Their number was half as great as that of the 'hirdmen.' Like these they were entertained at the king's vill, but sat at his tables only on great festive occasions. The house-carles were the servants who performed the actual labor on the king's manor.⁷⁸ Later two other classes appear, the table-servants (*skutilsveinar*) and the candle-bearers (*kertisveinar*). The former were chosen from among the 'hirdmen' and acted principally (two each day) as his majesty's body-servants; but at great festive gatherings they served the king at his table as bearers of cups and dishes, hence their name. Among the servants at court they ranked the

⁷³Waltz, *D. V. G.*, VI, 332.

⁷⁴*Ibid.*

⁷⁵*Ibid.*, 336 ff.

⁷⁶*Ibid.*

⁷⁷The following account is summarized from Keyser's study of the Norse Constitution in the Middle Ages, *Efterladte Skrifter*, II. The principal sources are the *Speculum Regale* and the *Hirðskraa* (Court-law) published in *Norges gamle Love*, II.

⁷⁸Keyser, *Efterladte Skrifter*, II, 78-79.

highest.⁷⁸ The candle-bearers were pages, sons of the noblest families, who were not yet counted among the kings-men, but were being educated for service at court. Their duty was to hold candles at the king's tables when he feasted with his great lords.⁷⁹

In time four leading officials came to be recognized at court, all being appointed from the 'hirdmen's' class: the marksman (*merkismaþr*), the staller (*stallari*), the *dapifer* (*drottseti*, from German *truchsess*?) and the butler (*skenkari*). The marksman's office seems to have been of great antiquity, at the beginning of the truly historic period his dignity was the highest at court. On sea he defended the forecastle of the king's ship; on land he bore and defended the royal banner.⁸⁰ As royal authority grew stronger and a truer kingship developed out of what was once scarcely more than military leadership, the marksman's dignity sank to a somewhat lower plane and the staller took his place at the head of the court. This official was primarily a spokesman: he addressed the popular assemblies on the king's behalf and in turn advised the ruler as to the wishes and requests of the freemen. He was responsible for good order and proper discipline at court, and all disputes that might arise within the household were referred to him for settlement. Incidentally, he had to provide the necessary equipment for the king's journey, and hence may have had supervision of the royal stables.⁸¹ Far below the staller and the standard-bearer both in rank and importance were the *dapifer* and the butler. Both were chosen from among the table-servants and for a long time were household officials merely;⁸² but soon after the beginning of the fourteenth century, we find the *dapifer* as the highest official, not only in the king's household, but in the state as well.⁸³

The Norse court was also thoroughly organized on the ecclesiastical side. The first Christian rulers had a court-bishop (*hirp-biskup*) who traveled about with them and assisted in the work

⁷⁸ Keyser, *Efterladte Skrifter*, II, 79.

⁷⁹ *Ibid.*, 79-80. There was also a candle-bearer at the Welsh court.

⁸⁰ *Ibid.*, 80.

⁸¹ See *Ibid.*, 80-81; Munch, *N. F. H.*, IV, 1, 612. It will be readily seen that, in a land where the sea was the principal highway, supervision of the king's stables could not have been considered among the important charges.

⁸² Keyser, *Efterladte Skrifter*, II, 81.

⁸³ *Ibid.*, 134.

of conversion. After this had been completed, the bishop seems to have left the court and given place to the household-priests (*hirpprestar*). As elsewhere, the king's chaplain did not remain a spiritual guide merely, but became a public functionary as well; he was the king's notary and perhaps also his treasurer.⁸⁴ In time the king's chapel developed into a chancery with a chancellor at its head.⁸⁵ In the reign of Magnus Lawmender (1263-80), the chancellor is spoken of as the highest official at court.⁸⁶

Of these officers the marksman and the staller are doubtless of Norse or early Teutonic origin. The standard-bearer seems nowhere else to have held an eminent position in the royal household. It is also difficult to find officials elsewhere that correspond to the Norse staller. Were his office of Frankish origin⁸⁷ his functions should have corresponded to those of the Capetian constable, but such is not the case. Much more does he remind us of the early Merovingian seneschal or *major domus*. As no marshal can be found it is probable that at some early date the care of the king's horses passed into the staller's hands. With respect to the table-servants Snorre tells us that in appointing these the king followed the custom of foreign courts.⁸⁸ As the steward (*dapifer*) and the butler were chosen from these attendants, it seems probable that these officials were not originally Norse. It may be added that the earliest Norse sources make no mention of a chamberlain or a treasurer.⁸⁹

Turning to the English court, we find but few traces of an organization before the tenth century. The household of the Anglo-Saxon kings in the earliest period was apparently wholly Teutonic, and, so far as we know, it remained so for some time. The king had his thegns or household servants and perhaps a seneschal or *oferealdorman* who had charge of them all; but anything like a systematic distribution of duties or the formation

⁸⁴Keyser, *Efterladte Skrifter*, II, 82.

⁸⁵*Ibid.*, 82-83.

⁸⁶*Ibid.*, 82.

⁸⁷Such is Keyser's opinion. See *Efterladte Skrifter*, II, 81, note.

⁸⁸In the *Saga of Olaf the Quiet* (whose reign dates from 1066, when his father fell at Stamford Bridge) Snorre says: 'King Olaf also, after the custom of foreign kings, appointed table servants who were to stand at his tables and serve the dishes to himself and the princely subjects who sat at his table.' (C. 3.)

⁸⁹Cf. the Salic Law (Geffcken), X, 4, where a *major*, an *infertor*, a *scantio* and a *mariscalcus* are referred to, but no *camerarius* or *thesaurarius*.

of a household hierarchy is not apparent. It may seem strange that the close communication existing between England and the Continent ever since the days of Augustine should not have affected the royal surroundings. No doubt it was influential to a certain extent, though it may be that the introduction of foreign elements was for a long time limited to the ecclesiastical side of the court. Moreover, the possibility of influence was not great, for the kings of Kent and Wessex were not mighty emperors like Charlemagne and Otto. An elaborate organization could hardly find room within the cramped limits controlled by the royal lords of the Old English states.

Foreign influences begin to appear in the tenth century, when the Anglo-Saxon kingdom has at last become a unified fact. After the Danish invaders had slain or exiled the rulers of the northern kingdoms the people naturally turned to the only native dynasty remaining, that of Wessex represented by the resourceful Alfred. The unification of England was in a sense the expansion of Wessex. This process, beginning at Wedmore, was practically finished at Brunanburh in the reign of Æthelstan. This event, which in so many respects is a landmark in English history, is also a landmark in the historic development of the English court. It is about this time that the palatine officials first begin to appear prominently in the sources. Their offices no doubt existed at a much earlier period, for Asser speaks of a butler in the reign of Alfred's father;⁹⁰ but not before the great age of the Old English monarchy, the age of Æthelstan and his successors, were the chiefs of the royal household counted sufficiently important to be summoned to witness the king's charters, nor are their titles mentioned in the text of any such document issued before this period. If formerly they had appeared at the great council, they had come simply as *ministri*; but they were no longer mere thegns, they were something more. As butlers and chamberlains and seneschals they had advanced to a higher dignity; and yet, they evidently remained household officials only. There is no evidence that their new greatness contained any political elements except, perhaps, membership in the *witenagemot*. The first and apparently the only English court-officials

⁹⁰Petrie's *Monumenta*, 469. This 'famous butler' was Alfred's maternal grandfather.

to receive administrative functions were the staller and the chancellor, who seem to have attained their positions at court at almost the same period.

The Anglo-Saxon court of the tenth century resembled in outline that of the Carolingian Franks. The king was his own *major domus*; the functions of the seneschal, the chamberlain and the butler corresponded closely to those of the same officials across the Channel; and the royal chapel had attained a position of considerable influence. But there were also material differences. The marshal was still a servant of low rank and humble position, the chapel had not yet developed into a chancery and no trace can be found of a palatine count. This last official, however, was soon to disappear from the French court, and the chancellorship probably appeared in England before the next century was far advanced. In courtly pomp and display the English king also tried to imitate his Continental brethren. The great number of princes and *ministri* that attended Æthelstan's councils, the splendor of his palatial surroundings, the banquets and the festivals that his courtiers enjoyed, the great retinue that followed him about on his journeys,⁹¹ all these things testify to a magnificence far different from that which characterized the airy lodgings of his famous grandfather, where the wind extinguished the lighted candle on the king's table.⁹²

This sudden change in the character and aspect of the Anglo-Saxon court was doubtless due in great measure to the new policy of dynastic alliances entered upon by King Æthelstan. One of the greatest influences in assimilating the different national courts to a common type is the queen.⁹³ Before the tenth century the Old English kings had nearly always taken wives from among their own people. It is true, Æthelwulf, the son of Egbert, brought a Frankish princess home to Wessex as queen on his return from Rome;⁹⁴ but he died a few years later, and, if Asser's account can be trusted, Judith's popularity and influence at Winchester could not have been great.⁹⁵ Alfred and Edward the

⁹¹ See the lives of the saints of that period.

⁹² Petrie's *Monumenta*, 496 (Asser, *Gesta Ælfredi*).

⁹³ The reign of Otto II, emperor of Germany, furnishes an excellent illustration of this. The Byzantine influence that came in with his queen grew to be a fact of great importance in the following reign.

⁹⁴ *A.-S. Chron.*, 855.

⁹⁵ Petrie's *Monumenta*, 472.

Elder married English wives. Æthelstan, it seems, was never married, but his four sisters all found husbands on the Continent: Otto the Great, Hugh, the father of Hugh Capet, Louis the Blind, king of Provence, and Charles the Simple, king of the West Franks, each married a sister of the English king.⁹⁶ Æthelstan's nephew, Louis d'Outremer, spent fourteen years at the Anglo-Saxon court.⁹⁷ It is clear that so many and such close alliances would bring about much communication and many embassies between these allied courts; and the household of the English kings of that period shows unmistakable signs of their influence.

The closing years of the tenth century brought a second wave of Danish invasion, and a few years later an alien dynasty occupied the new English throne. The royal court at Winchester, with its Danish king and his Norse attendants, with the staller-ship as its highest dignity and with its large corps of armed house-carles guarding the royal person and inspiring the subjects with a prudent respect, now took on a decidedly Norse appearance. But the Danish influence did not long remain the dominant one; in less than a generation it had begun to retreat before a new force from across the Channel.

The first of Æthelstan's successors to seek a wife from abroad was the unfortunate Æthelred. In his reign Emma of Normandy, a woman whose influence can be clearly felt but not measured, came across to England as queen. With her came Norman ideas and men⁹⁸ and doubtless also Norman institutions. After her husband's death she became Cnut's consort, and the Normanizing tendency continued.

Edward the Confessor's sojourn in Normandy⁹⁹ is also a fact of the utmost importance: it familiarized him with a court organization and with court usages essentially the same as those of the Capetian household.¹ His own court was, to begin with, far from being purely Anglo-Saxon. It continued the organization of the Anglo-Danish household, retaining, it seems, whatever additions had come in with the Danish dynasty. To these were

⁹⁶Ramsay, *Found. of Eng.*, I, 288.

⁹⁷*Ibid.*, 289. Other royal exiles also found refuge at the court of this genial monarch.

⁹⁸The year following her arrival in England we find mention of one Hugo, a Frenchman whom Emma had appointed reeve at Exeter. *A.-S. Chron.*, 1008.

⁹⁹Twenty-five years. See Ramsay, *Found. of Eng.*, I, 437.

¹Stubbs, *C. H.*, I, 372-73.

added an important Norman-French element, the inevitable result of the king's Norman education. Characteristic of his reign is the rise of the chancery, an institution which no doubt was introduced from Normandy, perhaps in Æthelred's reign. When the Saxon line perished, the English court had, like the Continental courts, five high officials, the chancellor, the staller, the seneschal, the chamberlain and the butler.³ It also had huntsmen and falconers, goldsmiths and wagon-makers, marshals and chaplains, butchers and cup-bearers and other inferior servants, such as would be found at almost any royal court at that time. It differed from those across the Channel, however, in possessing an important military element, the house-carles, and in the circle of duties assigned to some of the higher officials. The Capetian court had no *dapifer*, the English no constable. In a general way the seneschal's office in France seems to have corresponded to the English stallership; but the seneschal also had charge of the royal tables, while the staller probably had the additional duties of chief marshal.

That the Anglo-Saxon court was indebted to the royal households of the Continent for much of its institutional growth is doubtless true; but we must remember that England did not do all the borrowing. The Old English court also had its sphere of influence. The royal households in other parts of Britain and in Scandinavia were nearly all organized later than the court of England, and naturally imitated its organization to a great extent.

In the old Welsh laws⁴ there is an extended body of rules for the government of the king's household, many of which betray Saxon influence. The officials, with perhaps a few exceptions, are such as we should expect to find in any Germanic court of that time;⁴ hence it seems reasonable to assume that their offices

³Cf. Round, *The Officers of Edward the Confessor*: *Eng. Hist. Rev.*, XIX, 90-92.

⁴*Ancient Laws and Institutes of Wales*, 2 ff. It is, of course, difficult to say how far these laws have been modified since the days of Howel (ca., 940), who is supposed to have collected and in part enacted them. But as some of the terms and titles seem derived from the Anglo-Saxon, the organization of the Welsh court in the form given in the laws most probably antedated the Norman Conquest.

⁴Howel's court had a chief of the household, a priest, a steward, a chief falconer, a judge, a marshal, a chamberlain, a bard, a silentiary, a chief huntsman, a meadbrewer, a mediciner, a doorward, a butler, a cook and a candle-bearer. The queen had a separate service, though fewer servants.

were introduced from some Teutonic nation with which the Welsh had come into close contact. The history of Britain, the contiguity of the Welsh and English territories, as well as some of the titles used, point at once to the Anglo-Saxon court as the prototype of the Cymric. The Welsh heir-apparent is called the *edling* (A.-S. *epeling*); the seneschal is a *dysteyn* (A.-S. *discþegn*); the royal meadbrewer is called a *medyt*.⁵ Whether the Welsh kings copied Æthelstan's court, or whether they modified the older Celtic institution by the addition of English elements, I shall not attempt to decide. The latter supposition is, of course, the more probable one.

There are also traces of Saxon influence in the organization of the Norwegian court. The word for household, *hirþ* is evidently the Anglo-Saxon *hired* in Norse form. The term *skutillsveinn*, table-servant, is probably derived directly from Old English *scutel* (Lat. *scutella*), a dish.⁶ Whether the institution came in with the term cannot be known; I find no reference of any sort to such a table-service in the English sources. But Snorre affirms that the custom of employing such servants was a foreign one,⁷ and it would be strange if the office and the title did not originate at the same court. That the Norwegian kings should have drawn freely on English experience in organizing their households is not to be wondered at. Hakon the Good is said to have spent his childhood and youth at Æthelstan's court.⁸ Olaf Trygvesson was baptized (or confirmed) at Æthelred's court.⁹ Saint Olaf, who first gave the royal household of Norway a definite organization, was at one time a hostage in Æthelred's hall,¹⁰ and, what is more important, when he became king he surrounded himself with English priests.¹¹ Thus the royal chapel was likely to be organized along Saxon lines. In view of the fact that the household priest also acted as the king's treas-

⁵The Welsh word *medd*, mead, may be a native term and not derived from Anglo-Saxon *medu*; but the use of this beverage is so characteristically Teutonic that Old English influence in this matter is very probable.

⁶*Norges gamle Love*, V, Glossary.

⁷*Saga of Olaf the Quiet*, 3.

⁸*Saga of Harold Fairhair*, 40 ff.

⁹*A.-S. Chron.*, 994. Ramsay, *Found. of Eng.*, I, 343.

¹⁰Ramsay, *Found. of Eng.*, I, 368.

¹¹*Adamus*, II, 55: [Olaf] habuit secum multos episcopos et presbyteros ab Anglia, quorum monitu et doctrina ipse cor suum Deo praeparavit sublectumque populum illis ad regendum commisit. For the organisation of St. Olaf's court, see Snorre, *Saga of St. Olaf*, 55.

urer¹² his English origin becomes peculiarly significant; the whole fiscal system of the kingdom seems to have originated in the royal chapel. As a king's chaplain in those days usually meant a future chancellor, we should expect to find traces of English influence in the Norse chancery. And it is interesting to note that in the Norwegian laws of the thirteenth century, the terms *kanceler* and *innsigli*¹³ appear, identical as far as phonetics would permit, with Old English *canceler* and *innsegl*. That *cancellarius* should have developed similar forms in both these idioms is not surprising; but that both should have practically the same word for seal seems rather strange. Such a term might be derived from *sigillum*, *sigillare*, or *insigillare*; *innsegl* and *innsigli* are both from *insigillare*, apparently the least used of the three.¹⁴ There is also a striking similarity between some of the documents emanating from the Norse chancery in the thirteenth century¹⁵ and the Old English writs drawn up by Anglo-Saxon clerks two hundred years before. The charters of the Norwegian kings are usually drawn up in the vulgar idiom and in the form of writs. With the bulls and mandates that regularly arrived from Rome, they have little in common. The formulas used are such as might easily be borrowed from the Confessor's scriptorium. One of King Hakon's grants opens with the following salutation: 'King Hakon Hakon's son sends to Sir Askatli, bishop of Stavanger, N. the archdeacon and all the canons, learned men and landed men,¹⁶ franklins and freeholders, present and future, God's friends and the king's, who may see or hear this letter, God's greetings and his own.'¹⁷ Similar to this, though less elaborate, is the opening sentence of one of Edward's writs: 'King Edward sends to Stigand the archbishop and Ægelmær the bishop and Gyrth the eorl and Toli the shire-reeve, and all his thegns in Norfolk and in Suffolk and all his other wise men (*witan*) throughout all England, learned and lay, friendly greet-

¹²Keyser, *Bøfterladte Skrifter*, II, 82.

¹³*Norges gamle Love*, V, Glossary.

¹⁴See Du Cange, *Glossarium*.

¹⁵Norse charters dated before 1200 are exceedingly rare.

¹⁶The phrase "*lærðom oc lendom*" means ecclesiastics and tenants on the king's estates.

¹⁷*Diplomatarium Norvegiæ*, I, 1, No. 51 (1226-1254): H[akon] konongr son H[akonar] konongs sendir herra A[skatlie] biskupe i Stavangre, N, ærkidlacne oc ollum koraþrðrum, lærðom oc lendom buandum oc buþægnum, verandum oc viðcomandum ollum guðs vinum oc sinum, þeim er þetta bref sia eða höyra, Q. G. oc. sina. Cf. VIII, 1, Nos. 2 (1170-90), 4 (1170-94), 5 (1202).

ings.¹⁸ Hakon's charter also has the attestation stated in the same rather informal fashion that we find so often in the Anglo-Saxon writs of the eleventh century. 'And these are the witnesses to this grant: Margaret the queen,.....John the king's court-priest and many other doughty men, learned and lay.'¹⁹ Compare with this the subscriptions to an English document dated 1044: 'And these are the witnesses: Edward the king, and Ælfgifu the lady.....and Ælfwine the red and many men in addition to them, both learned and lay, within burg and without.'²⁰ In both formulas the resemblance is too close to be accidental. The charter referred to is by no means exceptional; and further comparison would no doubt disclose many other points of similarity.²¹

As the Norman kings continued the use of the Old English writs,²² it is possible that this diplomatic form may have come to Norway from the Norman-English chancery. But the probabilities are against this view, as there was very little communication between the Norse and the English court after 1066 compared with what there was before that date. On the other hand we know that the king's chapel in Norway had an Anglo-Saxon origin and that the chaplain acted as royal notary.²³ But even if the Norse chancery did get its formulas from the court of Henry I or of Henry II, their origin would, though indirectly, still be Anglo-Saxon.

The royal court of William the Conqueror was organized on Norman-French lines. The marshal²⁴ took the place of the staller. The chamberlain's fiscal duties were transferred to the

¹⁸K. O. D., No. 853: Eadward cyng gret Stigand ercebisceop, and Ægelmar bisceop, and Gyrð eorl, and Toll seirreue, and ealle his þeines inne Norðfolce and inne Suffolce and ealle his oðra witen ofeð eall Ænglande, hadede and leawede, freondlice.

¹⁹*Diplomatarium Norvegicum*, I, 1, No. 51: En þessir eru vitnis' men at þessare glöf. Margretta drotneing..... Johan þulsi hirðprestr konungs, oc mænger aðrir duganda menn, lærðir oc olærðir. Cf. VIII, 1 No. 2 (1170-90).

²⁰K. O. D., No. 778: And þises is to gewitnesse, eadweard cyngc, and ælfgifu seo hlæfdige.....and ælfwine se reada, and mænig man þerto eacan ge gehædude ge læwede, binnan burgan and butan.

²¹Subscriptions are not very common in the Norse charters, as the seal is used instead.

²²See Stevenson, *An Old English Charter: Eng. Hist. Rev.*, XI, 781 ff.

²³Keyser, *Historiske Skrifter*, II, 82.

²⁴Such is his title in *Domesday*. So far as I know, constabularius is used but once in that document and then as a synonym of staller (I, 151). Stubbs gives the Norman court officials as seneschal, cup-bearer, constable, chamberlain and chancellor. *O. H.*, I, 372-73, 380.

treasurer. But on the whole I believe we are inclined to over-estimate some of the institutional changes that came in with the Conquest. During the reign of Edward the Confessor the English court seems to have become very nearly assimilated to the type that prevailed across the Channel. And the Conqueror doubtless retained many household customs and usages that were distinctly English. The Chronicler in reviewing William's life tells us that 'three times he bore his crown each year as often as he was in England; at Easter he bore it at Winchester, at Pentecost at Westminster and at midwinter at Gloucester.'²⁵ At first sight this looks like something of an innovation: a court held regularly at the three great festivals and at three different places, with much parade and the crown on display. 'And then there were with him,' continues the Chronicler, 'all the mighty men of England, archbishops, bishops, abbots, earls, thegns and knights.' We must be careful, however, not to read too much into this. An examination of the sources dealing with Edward's reign will show that the royal court met in festive gatherings with considerable regularity on the great church festivals in the boroughs of Gloucester and Winchester. Evidently what the Chronicler wishes to emphasize is the fact, that after 1066 these gatherings were more formal and pompous, for the Confessor, we are told, lived very plainly.²⁶

Like his predecessors, Edward moved his court from place to place, but his movements were more systematic than theirs. A satisfactory itinerary for his reign cannot be made out, but we can at least produce a very suggestive outline.²⁷ From this it appears that, so far as we know, the king sojourned principally in three leading cities: Gloucester, Winchester and London. He apparently spent the winter months at Gloucester: we find him

²⁵ *A.-S. Chron.*, 1087.

²⁶ William of Malmesbury, *Gesta Regum*, 271.

²⁷ 1043. Easter, Winchester. *A.-S. Chron.*, [1042], 1043; *Flor. Wig.*, I, 197. Later in the year we find him at Gloucester where he probably intended to spend the winter; but his lords advised him to descend on the queen's treasures at Winchester, which was done, Nov. 18. *Ibid.*

1044. August, gemot at London. *Flor. Wig.*, I, 199.

1045-1050. No satisfactory information. The king is once in London at a gemot and twice at Sandwich with the fleet. *A. S. Chron.*, 1046, 1047; *Flor. Wig.*, I, 199.

1051. September and later, Gloucester. *Flor. Wig.*, I, 205.

1052. London. The king was present at two assemblies, the latter of which seems to have been held in September. By Christmas he was probably back in

there in September, November, December and January.²⁸ The two Easter festivals of which we have any account were celebrated at Winchester; at no other time do we find King Edward in that city, except in November, 1043, when he came to raid his mother's treasury. It also appears that London was the favorite place for holding the national assemblies and that these might be called for any date. William was certainly violating no English precedent when he celebrated Christmas at Gloucester and Easter at Winchester. We hear nothing of a Whitsunday celebration in Edward's time. This may have been instituted by the Conqueror to compensate London for the loss of the many meetings of the *witan*.

These festivals were doubtless in obedience to an ancient custom antedating Christianity and by no means limited to the Angles and Saxons.²⁹ Charters issued on such occasions testify to the character of the assembly that gathered to celebrate with the king. In a life of Saint Oswald, two such banquets are described, the one being an Easter session of the *witenagemot*. 'He himself and all the eminent *primates* and distinguished *duces* and powerful *milites* from all the towns (*castellis*) and strongholds (*oppidis*) and cities and regions, and an infinite multitude came to the king. There came also that prince of bishops, Dun-

Gloucester, for we find him there early in January. *A.-S. Chron.*, [1051], 1052; *Flor. Wig.*, I, 209.

1053. January, Gloucester. *Flor. Wig.*, I, 211. Easter, Winchester. At this festival Godwin died. *Ibid.*; *A.-S. Chron.*, 1053.

1055. Midlent, London. A *witenagemot*. Later in the year the army is gathered about the king at Gloucester. *A.-S. Chron.*, 1055; *Flor. Wig.*, I, 212-13.

1057. Death of Edgar the Etheling at London. Edward was probably there at the time. *A.-S. Chron.*, 1057; *Flor. Wig.*, I, 215.

1062. The king was probably at Gloucester during the winter months. Two papal legates were waiting at Worcester near that city for a reply which the king had promised to give at the Paschal feast. They went to Worcester on Edward's suggestion. *Flor. Wig.*, I, 220.

1063. Christmas, Gloucester. *Ibid.*, 221.

1065. Christmas, Westminster. Dedication of Westminster Abbey. *Ibid.*, 224; *A.-S. Chron.*, 1065.

²⁸The year 1065 is exceptional. Edward's absence from Gloucester finds its explanation in his desire to see the church at Westminster dedicated before death, which he felt was approaching, should take him away.

²⁹The Yule-festival of the northern tribes was celebrated in the middle of January; one of Hakon the Good's first acts in his vain effort to christianise the Norwegians was to move this festival to December 25. Snorre, *Hakon's Saga*, 15. The attempted assassination of Edwin as dated by Bede was on the first day of Easter. *H. E.*, II, 9. Many were present and the gathering has all the appearance of a feast. But the celebration could not have been in honor of

stan with his retinue and also the holy prelate Æthelwold and all the worthies of Albion, all of whom the king received royally, granting them the delights of great joy and blending festivities with merry gladness on that Easter day.³⁰ From the nature of the language used we should conclude that the writer was present at the banquet and had his share of the mixed delights.³¹

As the magnates from all over the realm were present at these gatherings,³² the business of the kingdom would naturally come up for discussion or decision. In other words, they were sessions of the *Witenagemot*.³³ As such they furnished a precedent for the *curia regis* of the Norman kings. Whether there was in Old English times a *curia regis* in the narrower sense, a judicial and administrative body like the one we find in the reign of Henry I and later,³⁴ is a more difficult question. I know of no evidence for an administrative curia before the Conquest. On the judicial side of the question something can be said, but the evidence even for a judicial curia in Saxon times is far from satisfactory. As we have already seen, the early laws imply that there was a considerable exercise of judicial authority at the king's vill.³⁵ We also find that the later kings retained the power of punishing or pardoning offenders in their own households. 'If any one fight in the king's house, he shall forfeit all his property and the king shall determine whether or not he shall have his life.' Such

Easter, as Christianity was not yet a fact in Northumbria. Either Bede must have been in error or there was a heathen festival falling in the early vernal season which the Christian historian has confused with Easter. In 656, Penda the Mercian king, was treacherously slain "in ipso tempore festi paschalis." *Ibid.*, III, 24. It was on the occasion of such a festival that King Oswald ordered the silver dish to be cut up and given to the poor. *Hist. York*, I, 353. For the Germanic festivals see Müllenhoff, *Deutsche Altertumskunde*, IV, 218 ff.

³⁰*Hist. York*, I, 425. (Written in Æthelred's reign.) The second festival is merely alluded to, but all the worthies of the region were present. "Cum esset omnis dignitas hujusce regionis cum rege in Paschali festivitate contigit . . . ut quidam inclitus miles regis obiret. *Ibid.*, 427.

³¹There was a banquet at Easter in 1043 when Edward was crowned, and there was also much feasting at the Easter celebration at Winchester when Godwin died. See *A.-S. Chron.*, 1043, 1053.

³²On the fourth day of Christmas, 1064, Gospatric, a Northumbrian nobleman, was murdered "in curia regis" by order of the queen, perhaps on Tostig's instigation. The fact that this Northumbrian was present would lead us to infer that the occasion was a general gathering of the aristocracy. *Flor. Wig.*, I, 223.

³³Cf. Stubbs, *C. H.*, I, 138; Kemble, *Soc. in Eng.*, II, 191.

³⁴See Stubbs, *C. H.*, I, 407.

³⁵*Laws of Æthelbert*, 2; *Laws of Hlofer and Eadric*, 7, 16.

was Ine's law,³⁸ and Alfred's code has a similar chapter.³⁷ The royal authority in this matter is further extended in the laws of Edmund,³⁹ Æthelred³⁹ and Cnut.⁴⁰ In direct line with this is the judicial authority of the *Huskarlesteffne* as described by Svenö. If this gemot was ever a reality in England, as it evidently was, we should look upon it as one of the possible sources of the later *curia regis*.⁴¹ Its jurisdiction was, indeed, limited to the membership of the corps, but that would not prevent it from developing and spreading.⁴² And there are also indications that the king sometimes exercised judicial authority in cases where the litigants were not necessarily members of the royal household.⁴³

It will not do to make any extravagant claims for the Anglo-Saxon *curia* as a part of the national government. If it existed at all as such, it must have been in a rather undeveloped form. All we are justified in affirming is that the principle of curial jurisdiction seems to have been established to some extent, and that the practice of applying the laws in the king's own court was familiar to the nation. It will thus be seen that William the Conqueror could with comparative ease fit his own system into that of the Saxon kings. It may have been radically different in theory, but if it amounted to the same thing in practice there would be no great opposition to its permanent establishment. Perhaps there was, after all, not such a great difference between the system of national administration (if such a term may be used) that the Conqueror found in England and the system that he brought with him from Normandy. In many respects the

³⁸C. 6.

³⁹C. 7.

⁴⁰II, 4: *Eac ic cyðe, þæt ic nelle socne habban to minum hirede ðone, ðe mannes blod geate.*

⁴¹VI, 36: *And gif mordwyrhtan oððe man-sworan oððe sebere man-slaxan to þam geþristian, þæt hi on ðæs cyninges neaweste gewunian ær þam ðe hi habban bote agunnen. . . . ðone plihte hi heora shton butan hit friðbenan sindan.*

⁴²II, 59: *Gif hwa on cyninges hirede gefeohte, þollge ðæs lifes buton se cynincg him gearhrian wylle.*

⁴³I find the same conclusion stated in Holberg's work: *Dansk Retslovgivning*, 98.

⁴⁴Such was actually the case in Denmark. 'Persons who did not belong to the royal household would voluntarily submit their differences to the king's household court for settlement;' and in this way the tribunal of the housecarles developed into a system of popular courts. *Ibid.*

⁴⁵See Zinkelsen, Anglo-Saxon Courts of Law: *Political Science Quarterly*, X, 182-85.

Confessor's reign was a transitional one. The palatine organization was rapidly taking on a Norman appearance. English feudalism was coming more and more to resemble the Continental type. Men from across the Channel were influential in directing the policies of the English church. It seems more than probable that the Normans did not introduce so many innovations as has formerly been supposed; that some of the principal changes attributed to them date from the closing years of the Anglo-Saxon period.

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LINCOLN'S SUSPENSION OF HABEAS CORPUS
AS VIEWED BY CONGRESS

BY

GEORGE CLARKE SELLERY

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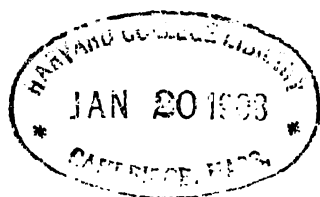
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LINCOLN'S SUSPENSION OF HABEAS CORPUS.

INTRODUCTION.

The suspension of the privilege of the writ of habeas corpus by President Lincoln in 1861 gave rise to a considerable mass of pamphlets, periodical articles and more ephemeral writings,¹ and to a large number of legal decisions.² In these, considerations of law, history and expediency are marshalled in the main against but to some extent for the claim of the President to suspend under the Constitution. A careful working-over of this material led the writer to the conclusion that the Gordian knot³ of habeas corpus suspension in the United States is extremely difficult if not impossible to untie. Further investigation led to the belief that a detailed historical exposition of the attitude of Congress toward Lincoln's suspension of the privilege of the writ would not only cast light upon the psychology of Congress in war-time, but might show that the knot was cut while the pamphleteers were still at work.

The only possible federal depositories of the power to suspend are Congress and the President. Until 1861 the view that Congress alone could suspend was generally accepted, or

¹ See list of pamphlets, etc., appended to S. G. Fisher's *The Suspension of Habeas Corpus during the War of the Rebellion*, in *Political Science Quarterly*, vol. III, pp. 485-488; Democratic State Platforms, 1861, 1862; *Congressional Globe*, 37th Congress, *passim*.

² See Law Digests *sub* Habeas Corpus.

³ Cf. Lieber to Sumner, January 8, 1863: "Every one who maintains that it can be proved with absolute certainty that the framers of the Constitution meant that Congress alone should have the power [to suspend the privilege of the writ] . . . is in error . . . It cannot mathematically be proved from the Constitution itself, or from analogy which does not exist, or from the debates, or history." *Life and Letters of Francis Lieber*, ed. by Perry, 1882, pp. 328-329.

at least was nowhere controverted.⁴ The President's action in 1861 was a practical denial of the correctness of this view. The stand which Congress took on this seeming encroachment upon its hitherto unquestioned jurisdiction manifestly merits careful examination. If Congress acquiesced in Presidential suspension, if, as this essay attempts to demonstrate, it conceded the President's right under the given circumstances to suspend, the historical precedent thus established must be given great weight. It is true that the conditions of the time were abnormal, and true that "acts committed in time of war, under the pressure of necessity and self-preservation, are not likely to ripen into precedents for times of peace."⁵ But federal suspension of the privilege of the writ of habeas corpus cannot constitutionally occur in time of peace; it is a proceeding which, fortunately for the people of the United States, can be resorted to only in most abnormal times. The importance of the decision of Congress in 1861-1863 upon the question of the President's right to suspend is therefore not weakened by the conditions under which the decision was rendered.

⁴"I had supposed it to be one of those points of constitutional law upon which there was no difference of opinion, and that it was admitted on all hands that the privilege of the Writ could not be suspended, except by act of Congress." Taney, C. J., in *ex parte Merryman*, Taney's *Circuit Court Decisions*, p. 255.

⁵"The better opinion . . . among judges and lawyers and constitutional commentators, surely is that the writ of *habeas corpus* was never intended by the Constitution to be suspended except in pursuance of an act of Congress. The courts have so held, judges have so stated, commentators have so written, and not a commentator can be found, who has written on the Constitution before this rebellion, who ever disputed that proposition. There is great diversity of opinion in the country now." Trumbull, in the Senate, December 9, 1862. *Globe*, 3d. S. 37th Cong. p. 81.

⁶ Lyman Tremain in *N. Y. Daily Tribune*, September 11, 1861.

CHAPTER I.

THE HABEAS CORPUS PROBLEM.

The exclusive right of Congress to suspend the privilege of the writ of habeas corpus¹ was challenged by President Lincoln at the outset of the Civil War. April 27, 1861, apprehensive for the safety of the isolated capital, the President issued an order authorizing General Winfield Scott to suspend the writ of habeas corpus. The order, which practically empowered General Scott to arrest and detain at will,² was as follows: "You are engaged in repressing an insurrection against the laws of the United States. If at any point on or in the vicinity of any military line which is now or which shall be used between the city of Philadelphia and the city of Washington you find resistance which renders it necessary to suspend the writ of *habeas corpus* for the public safety, you personally or through the officer in command at the point where resistance occurs, are authorized to suspend that writ."³

¹The customary phrasing is "suspend the writ of habeas corpus."

²It is still a disputed point in legal theory whether the suspension of the privilege of the writ authorizes arrests. The *obiter dictum* of the Supreme Court, in *ex parte Milligan*, that the suspension "does not authorize the arrest of any one, but simply denies to one arrested the privilege of this writ in order to obtain his liberty," was a flat denial of the correctness of the practice of the Civil War. Four minority justices, however, including Chief Justice Chase, upheld the legality of the practice. See 4 *Wallace*, pp. 115, 137. The President in his message of the extra session, July 4, 1861, said that he had authorized General Scott to suspend the privilege of the writ, or, as he explained, "to arrest and detain, without resort to the ordinary processes and forms of law, such individuals as he might deem dangerous to the public safety." *Works*, vol. II, p. 59. See also the President's letter to Erastus Corning and others, June 12, 1863. *Ibid.* p. 348. See also Seward to Lyons, October 14, 1861. 115 *War Records*, p. 633.

³115 *War Records*, p. 19. The words, "on or in the vicinity of any military line" etc., were a euphemism for "anywhere in Maryland." See, for example, Latham's statement in the Senate, July 20, 1861. *Globe*, 1st S. 37th Cong. Appendix, p. 19.

Hard upon this order came the proclamation of May 10, 1861, in which the President authorized the United States commander on the Florida coast to suspend the writ, commanding him "to permit no person to exercise any office or authority upon the islands of Key West, Tortugas and Santa Rosa which may be inconsistent with the laws and the Constitution of the United States, authorizing him at the same time if he shall find it necessary to suspend there the writ of *habeas corpus* and to remove from the vicinity of the United States fortresses all dangerous or suspected persons."⁴

These are the two authorizations of suspension which were the text for the *habeas corpus* debates in the first session of the thirty-seventh Congress. It is not necessary to refer specifically to any of the subsequent orders.⁵ The practice which was almost straightway adopted was to dispense with any general order to suspend, and to make extraordinary arrests whenever and wherever necessary, the theory being that such arrests were *ipso facto* suspensions of the writ. Except at the very beginning of the war there was no hard and fast line to be determined by reference to this or that particular order of suspension beyond which the Government could not consistently, or would not, make summary arrests. No one, by virtue of residence in even the most peaceful portions of Union territory, was safe from executive apprehension.

The extra session of Congress began July 4, 1861, and July 5 the message of the President was read in both Houses.⁶ In it he reviewed, among other matters, the measures he had taken to meet the crisis. The relevant portion of the message is as follows: "Recurring to the action of the Government, it may be stated that at first a call was made for seventy-five thousand militia; and rapidly following this a proclamation was issued for closing the ports of the insurrectionary districts by proceedings in the nature of a blockade. So far all was believed to be strictly legal. At this point the insurrectionists announced their purpose to enter upon the practice of privateering.

⁴115 *War Records*, p. 19.

⁵They may be found in the *War Records*.

⁶*Globe*, 1st S. 37th Cong. pp. 11, 13.

"Other calls were made for volunteers to serve for three years, unless sooner discharged, and also for large additions to the regular Army and Navy. These measures, whether strictly legal or not, were ventured upon under what appeared to be a popular demand and a public necessity, trusting then as now that Congress would readily ratify them. It is believed that nothing has been done beyond the constitutional competency of Congress.

"Soon after the first call for militia, it was considered a duty to authorize the commanding general in proper cases, according to his discretion, to suspend the privilege of the writ of *habeas corpus*, or, in other words, to arrest and detain, without resort to the ordinary processes and forms of law, such individuals as he might deem dangerous to the public safety. This authority has purposely been exercised but very sparingly. Nevertheless, the legality and propriety of what has been done under it are questioned, and the attention of the country has been called to the proposition that one who is sworn to 'take care that the laws be faithfully executed' should not himself violate them. Of course some consideration was given to the questions of power and propriety before this matter was acted upon.⁷ The whole of the laws which were required to be faithfully executed were being resisted, and failing of execution in nearly one third of the States. Must they be allowed to finally fail of execution, even had it been perfectly clear that by the use of the means necessary to their

⁷The subject of *habeas corpus* suspension appears to have been first debated by President and Cabinet when the special session of the Maryland Legislature, called for April 26, was under consideration. It was believed that the Legislature would probably attempt some act of secession. The question was would it not be wise to prevent the meeting of the Legislature. The President decided, after Attorney-General Bates had submitted his legal notes and other Cabinet officers had given their advice, that it would be neither justifiable nor effective to take the proposed action against the Legislature, which had, he said, clearly a legal right to assemble. April 25, he gave his special directions to General Scott: "I therefore conclude that it is only left to the commanding general to watch and await their action, which, if it shall be to arm their people against the United States, he is to adopt the most prompt and efficient means to counteract, even if necessary to the bombardment of their cities, and, in the extremest necessity, the suspension of the writ of *habeas corpus*." *Works*, vol. II, p. 38; Nicolay and Hay, vol. IV, p. 167. No authority was exercised under this order. Such an attitude toward suspension must have seemed strange a few months later.

execution some single law, made in such extreme tenderness of the citizen's liberty, that practically it relieves more of the guilty than of the innocent, should to a very limited extent be violated? To state the question more directly: are all the laws *but one* to go unexecuted, and the Government itself go to pieces, lest that one be violated? Even in such a case, would not the official oath be broken if the Government should be overthrown, when it was believed that disregarding the single law would tend to prevent it? But it was not believed that this question was presented. It was not believed that any law was violated.⁸ The provision of the Constitution that 'the privilege of the writ of *habeas corpus* shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it,' is equivalent to a provision—is a provision—that such privilege may be suspended when, in case of rebellion or invasion, the public safety *does* require it. It was decided that we have a case of rebellion, and that the public safety does require the qualified suspension of the privilege of the writ which was authorized to be made. Now, it is insisted that Congress, and not the Executive, is vested with this power. But the Constitution itself is silent as to which or who is to exercise the power; and as the provision was plainly made for a dangerous emergency, it cannot be believed the framers of the instrument intended that in every case the danger should run its course until Congress could be called together; the very assembling of which might be prevented, as was intended in this case, by the rebellion.

"No more extended argument is now offered, as an opinion, at some length, will probably be presented by the Attorney General.⁹ Whether there shall be any legislation upon the subject, and if any, what, is submitted entirely to the better judgment of Congress."¹⁰

The habeas corpus issue was thus placed squarely before Congress by the President himself.

⁸ Note especially the original draft of this portion of the message in Nicolay and Hay, vol. IV, pp. 176-177.

⁹ For this opinion, see 115 *War Records*, pp. 20 ff. The opinion is dated July 5; it was made public July 18, in response to a House resolution. *Globe*, 1st S. 37th Cong. p. 117.

¹⁰ *Works*, vol. II, pp. 59-60.

CHAPTER II.

THE INACTION OF THE EXTRA SESSION.

The President's message was read to the Houses on the afternoon of July 5 at two o'clock.¹ Its contents do not appear to have been made public before that time.² Nevertheless, a most important part of the work of the extra session had already been outlined to the Senate by Senator Henry Wilson of Massachusetts, who had been, in the session of March, 1861, chairman of the Committee on Military Affairs and the Militia—the leading committee in time of war. July 4, even before the Senate was fully organized or the standing committees were appointed, Wilson gave notice that he would the next day ask leave to introduce six bills, the titles of which he read. The first bill was entitled, "A bill to ratify and confirm certain acts of the President for the suppression of insurrection and rebellion." The others made provision for drawing out the military strength of the Union.³ The Senate almost immediately adjourned.

¹*Globe*, 1st. S. 37th Cong. pp. 11, 18; *N. Y. Daily Tribune*, July 6.

²"The President's Message suffers sadly in style and diction from being transmitted to us by telegraph. Some of the more obvious blunders we have been able to correct. . . Had private copies of the Message been dispatched by mail or express on the evening of the 4th to the President's most trusted agent or friend in each of the great cities, with instructions to deliver them to each daily newspaper only upon notice by telegraph that the reading in Congress had been commenced, his most important document would have appeared in the regular evening editions of yesterday's journals. . . " Editorial note in *N. Y. Daily Tribune* of July 6, 1861. See also *N. Y. Herald* and *N. Y. Times* of same date.

³The titles of these five bills were: "A bill to authorize the employment of volunteers to aid in enforcing the laws and protecting public property; A bill to increase the present military establishment of the United States; A bill providing for the better organization of the military establishment; A bill to promote the efficiency of the Army; and A bill for the organization of a volunteer militia force, to be called the National Guard of the United States." *Globe*, 1st. S. 37th Cong. p. 2.

The text of all six bills seems to have been available July 4.⁴ "Bill No. 1" was substantially in the following words:

"A Bill to Ratify and Confirm certain acts of the President for the Suppression of Insurrection and Rebellion.

"Whereas, since the adjournment of the last Congress, large combinations of men assuming to act in the name and on behalf of some of the States of the Union, have openly set at defiance the authority and laws of the United States, and have arrayed themselves in hostility against the Government, threatening its overthrow; and whereas, under these exigencies and for the purpose of resisting such combinations and suppressing such insurrection and rebellion and causing the laws of the United States to be executed and preserving the Government, the President has called forth the militia of several states, and large numbers of such militia, in obedience to such call, are now in the service of the United States; therefore

"Be it enacted . . . That all the acts and proceedings of the President in calling into the service of the United States the militia of the several States for the purpose aforesaid, and all acts and proceedings incident thereto; and all acts and proceedings relating to the operations of the military and naval forces of the United States, are hereby approved and confirmed, and the same shall be legal and valid, in all respects as if done under the express authority of Congress previously conferred.

"SEC. 2. And be it further enacted, that in case at any time hereafter, during the recess of Congress, similar exigencies shall arise, by reason of any combination to resist the execution of the laws or to destroy the government of the United States, the President shall have authority to call into the service of the United States such military and naval forces as

⁴The Washington correspondent of the New York *Herald*, in his letter of July 4, which was published in the issue of July 6—no paper being published July 5—gave all six *in extenso*. A comparison of his texts, so published, with those considerable portions of the bills which appear in the *Congressional Globe*, during the course of the debates upon them, proves the substantial accuracy of the *Herald* correspondent on this occasion.

he may deem necessary to suppress insurrection and rebellion and enforce obedience to the laws of the United States.”⁶

July 5 passed without any sign from Senator Wilson. It was the day on which the President's message was read. The following morning he introduced his six bills. The first bill, however, had in the interval become a joint resolution (S. No. 1). The six measures were read twice by title and ordered to be printed.”⁶ The joint resolution was in the following words:

“Joint resolution (S. No. 1) to approve and confirm certain acts of the President of the United States, for suppressing insurrection and rebellion.”⁷

“Whereas, since the adjournment of Congress, on the 4th day of March last, a formidable insurrection in certain States of this Union has arrayed itself in armed hostility to the government of the United States, constitutionally administered; and whereas the President of the United States did, under the extraordinary exigencies thus presented, exercise certain powers and adopt certain measures for the preservation of this Government—that is to say: First, He did, on the 15th day of April last, issue his proclamation calling upon the several States for seventy-five thousand men to suppress such insurrectionary combinations, and to cause the laws to be faithfully executed. Secondly. He did, on the 19th day of April last, issue a proclamation setting on foot a blockade of the ports within the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana and Texas. Thirdly. He did, on the 27th day of April last, issue a proclamation establishing a blockade of the ports within the States of Virginia and North Carolina. Fourthly, He did, by order of the 27th day of April last, addressed to the Commanding General of the Army of the United States, authorize that officer to suspend the writ of *habeas corpus* at any point on or in the vicinity of any military line between the city of Philadelphia and the city of Washington. Fifthly. He did, on the 3d day of May last, issue a proclamation calling into the service of the United States forty-two thousand and thirty-four volunteers, increas-

⁶N. Y. *Herald*, July 6, 1861. See also Philadelphia *Enquirer*, July 8, 1861. See also preceding footnote.

⁷*Globe*, 1st S. 37th Cong. p. 16.

⁸*Ibid.*

ing the regular Army by the addition of twenty-two thousand seven hundred and fourteen men, and the Navy by an addition of eighteen thousand seamen. Sixthly. He did, on the 10th day of May last, issue a proclamation authorizing the commander of the forces of the United States on the coast of Florida to suspend the writ of *habeas corpus*, if necessary. All of which proclamations and orders have been submitted to this Congress. Now, therefore,

"*Be it resolved . . .* That all of the extraordinary acts, proclamations, and orders, hereinbefore mentioned, be, and the same are hereby, approved and declared to be in all respects legal and valid, to the same intent, and with the same effect as if they had been issued and done under the previous express authority and direction of the Congress of the United States."⁸

The six measures were the same day ordered to be printed, and after the standing committees were appointed they were referred, on Wilson's motion, to the Committee on Military Affairs and the Militia, of which he had been re-appointed chairman.⁹ July 8, Monday, at the very brief open session, Wilson, for the committee, reported the joint resolution without amendment and recommended its passage. He asked for its present consideration but Polk's objection, under the rules, made that impossible.¹⁰

The joint resolution was the response proposed by Wilson to that portion of the President's message, above quoted, in which he submitted certain specified measures to the better judgment of Congress. The message, or the information contained in the message, caused Wilson unobtrusively to transform his "Bill No. 1" into the joint resolution.¹¹ He did not

⁸*Globe*, 1st S. 37th Cong. p. 40.

⁹*Ibid.* pp. 17, 21. The members of the Committee were Wilson, chairman, King, Baker, Lane of Indiana and Lane of Kansas, Republicans, and Rice and Latham, War Democrats. *Ibid.*, p. 17; *Tribune Almanac*, 1861, 1862. For Rice's profession of faith see *Globe*, 1st S. 37th Cong. p. 242; and for his identification of his position with that of Latham, *ibid.* p. 217.

¹⁰*Ibid.* p. 21.

¹¹These conclusions rest upon this foundation: The message was not made public until July 5; there is a close correspondence—amounting to practical identity—between the recital of the extraordinary measures in the message and in the joint resolution; above all, the resolution says: "All of which proclamations and orders have been submitted to this Congress."

withdraw the "bill;" he did not ask leave to introduce the resolution; he obtained leave to introduce the "bill" and introduced the resolution "in pursuance of previous notice."¹²

The most striking change in the resolution is the inclusion of the suspensions of the privilege of the writ of habeas corpus among the extraordinary measures. The absence of these from the "bill" may mean that Wilson did not believe that the President transcended his constitutional powers in suspending the habeas corpus or that Wilson did not consider it within his province, as prospective chairman of the Committee on Military Affairs and the Militia, to include them in a military bill. If the latter is the correct conclusion, then the President's message would seem to have caused Wilson to change his opinion.

A comparison of the enacting clause of the "bill" with the corresponding clause of the resolution reveals another important alteration. The language of the "bill"—"*Be it enacted . . . That all the acts and proceedings of the President . . . are hereby approved and confirmed, and the same shall be legal and valid, in all respects as if done under the express authority of Congress previously conferred*"—is clear. Manifestly this means the *legalization* of that which might otherwise be held to lack a degree of legality. The words of the resolution—"Be it resolved . . . That all the extraordinary acts, proclamations and orders, hereinbefore mentioned, be and the same are hereby, approved and declared to be in all respects legal and valid, to the same intent, and with the same effect, as if they had been issued and done under the previous express authority and direction of the Congress of the United States"—are not clear but equivocal. If the resolution had ended with the word valid, it would have been a declaration of the President's constitutional right to do what he had done; what follows the word valid makes the whole statement obscure and suggests that the resolution was meant to legalize the illegal. It would obviate a dilemma if the resolution might be considered as declaratory of the legality

¹² There is no hint in any of the debates that the resolution was a changing.

of extraordinary acts one, two and three, and as intended to legalize acts four, five and six. But this is not possible; the section commencing "Be it resolved" must be construed as a whole, one way or the other.

The obscurity of this portion of the resolution was fully revealed in the debates upon it. Of the senators who expressed themselves clearly on the question, four were of the opinion that it was a declaration of legality. John Sherman's statement may be given as typical: "I approve the action of the President. I believe the President did right. He did precisely what I would have done if I had been in his place—no more, no less . . . but I cannot here, in my place, under oath, declare that it was strictly legal, and in consonance with the provisions of the Constitution. I shall therefore be compelled to vote against the resolution."¹³

Twelve of the senators, including Wilson, expressed the view that the clause meant legalization of the acts of the President. Howe stated the view explicitly when he said: "The resolution does not affirm that they were legal; that they were sanctioned by the legislative power of the United States; but it declares that they shall be"¹⁴ as legal and valid as if they had had the previous express authority and direction of the Congress of the United States.

"I want to say further, Mr. President, that there may be no sort of mistake about the position I occupy, that my admiration of them is proportioned exactly, mathematically, to the extent that they were violations of the existing law."¹⁵ Wilson, in discussing the resolution, which he said was "plain and simple to the comprehension of every man," asked that "the vote shall be taken on merely legalizing the action of the past."¹⁶

The ambiguity of the final clause of the resolution is es-

¹³*Globe*, 1st S. 37th Cong. p. 393. The three others were Bayard (*ibid.* Appendix, p. 14), Carlisle (*ibid.* p. 339) and Lane of Indiana (*ibid.* pp. 142-143).

¹⁴The resolution does not say "shall be."

¹⁵*Globe*, 1st S. 37th Cong. p. 393.

¹⁶*Ibid.* pp. 41, 42. The ten other senators who held this interpretation were: Breckenridge (*ibid.* p. 142.), Clark (*ibid.* p. 41), Fessenden (*ibid.* p. 46), Hale (*ibid.* p. 41), King (*ibid.* p. 46), Morrill (*ibid.* p. 392), Pearce (*ibid.* p. 335), Polk (*ibid.* p. 47), Powell (*ibid.* p. 68) and Trumbull (*ibid.* p. 392). In

tablished out of the mouths of United States senators.¹⁷ It is difficult to avoid connecting the ambiguity with the presence in the joint resolution of the sections reciting the President's suspension of the habeas corpus. The ambiguity and the suspension entered the resolution together; they may be said to have left it together. For when, toward the close of the extra session, the fate of the resolution was sealed and Wilson re-introduced his old "Bill No. 1" in a new form, its enacting clause was again unequivocal. As has been shown, the ambiguity served in a way to support or leave standing the President's claim constitutionally to suspend the privilege of the writ of habeas corpus. In view of subsequent cases of a similar nature, it is difficult to avoid the suspicion that the ambiguity was designed for this very purpose.

The prospects of the joint resolution were good. It was the first measure presented to the Senate. It was given precedence over the five military bills which were the basis of the work of the Senate for the session. It was introduced by the leading Republican, the chairman of the leading committee. It was reported favorably by this committee, July 8, without amendment and with only one mildly dissenting voice.¹⁸ July 10—the earliest possible day¹⁹—the resolution came before the Senate as the first business on the calendar. The speeches of that day showed a determination on the part of Wilson and his supporters to hurry the resolution through.

most cases several references might be given, but these are the clearest. Trumbull wavered somewhat in expressing himself on the point, but the context, p. 392, justifies his inclusion here.

Eight senators construed the resolution as a declaration of commendation—waiving, to all intents, the question whether it was meant to legalize or assert legality. These were: Browning (*ibid.* p. 188), Johnson (*ibid.* pp. 289-290), Kennedy (*ibid.* p. 42), Latham (*ibid.* Appendix, p. 19), McDougall (*ibid.* p. 340), Saulsbury (*ibid.* p. 442) and Thomson (*ibid.* p. 395).

¹⁷August 6, 1861, the last day of the session, when the resolution had no chance of passing, and when it was no longer possible to amend it, Wilson offered to change the last clause to read, "Be, and the same are hereby, approved, and in all respects legalized and made valid," adding significantly, "I believe this expresses the idea more fully and more completely." *Globe*, 1st S. 37th Cong. p. 452 and *passim*.

¹⁸Latham's. *Ibid.* p. 41.

¹⁹The resolution had to lie over from July 8 to July 9, under the rules. July 9 was devoted to eulogies of the late Senator Douglas.

Despatch breathes through their words as reported in the *Globe*, and the imminence of the passage of the resolution was recognized on all sides.²⁰ The resolution was amended by the addition of the words, "provided that nothing herein contained shall be construed as authorizing a permanent increase of the Army or Navy," Latham's motion to strike out the sections relating to habeas corpus was rejected, and the resolution was read a third time and placed upon its passage.²¹ At this point Polk intervened with a demand for the yeas and nays, and these granted, he made a speech against the resolution.²² After talking at considerable length he expressed a wish to conclude his speech the following day, and in this was supported by Powell, but the Senate refused to adjourn. Polk therefore resumed the floor, whereupon Wilson, after consultation with one or two senators, announced his will: "I propose to let this resolution go over until to-morrow morning, with the understanding that we shall now take up the volunteer bill." This proposition was at once agreed to.²³

July 11 the resolution almost monopolized the attention of the Senate. Polk concluded his speech, at length, and Powell continued in the same strain, at greater length.²⁴ When the latter had ended Breckinridge and Bayard indicated their intention to continue the debate for the opposition, and again Wilson gave the word, with apparently increasing willingness: "I propose, if the Senators desire to speak on this question—and I suppose they do—to let the pending resolu-

²⁰ Kennedy, Unionist, opened his remarks by saying: "Mr. President, I desire to say one word before the vote is taken on this extraordinary measure." *Globe*, 1st S. 37th Cong. p. 42. King, Republican, said, apropos of an amendment: "I offered this proposition without any intention to delay the Senate five minutes . . . However I will not continue this debate so as to protract the time; I prefer voting." *Ibid.* pp. 42-43. Wilson, in opposing Polk's request for one day's postponement, remarked: "I hope, therefore, that the Senator will not ask us to lay this resolution aside at this time, and I hope that the Senate will continue the consideration of it until it is ready to vote upon it." *Ibid.* p. 41. And see other similar expressions, *ibid.* pp. 41-43. Lord Lyons, the British ambassador, wrote Lord Russell, July 14: "It is thought that the Resolution will pass both Houses without any material alteration." *North America No. 1* [British Blue Book], presented to Parliament 1862, p. 57.

²¹ *Globe*, 1st S. 37th Cong. p. 47.

²² *Ibid.* pp. 47-49.

²³ *Ibid.* pp. 49-50.

²⁴ *Globe*, 1st S. 37th Cong. p. 71.

tion go over until to-morrow, and we can go on to-day with another bill containing practical measures." The Senate agreed.²⁵

July 12 passed without a reference to the resolution. July 13 no word was spoken concerning it. July 15, Monday, it was Breckinridge, the leading Democrat, and not Wilson, the Republican, who broke the silence with a request to have the resolution taken up and made the special order for the next day.²⁶ Thereafter the discussion of the resolution continued, but in a desultory fashion, long speeches being made from time to time, without haste or compression.²⁷ It was obvious that the Republicans were, by this time, in no hurry to pass the resolution.

July 17, 1861, Trumbull furnished fresh fuel for the debate by introducing a bill authorizing the suspension of the habeas corpus. Some such measure he regarded as a necessary complement to the resolution. "I am not disposed," he said, a few days later, "to say that the Administration has unlimited power and can do what it pleases after Congress meets. I am willing to excuse it . . . and to sustain it . . . but if you propose to pass a resolution approving the exercise of powers for which you may be unable to find in strict law the warrant and then refuse to grant by law the authority to do what is necessary to be done, it seems to me it will be a very strange proceeding. I think we had better let this resolution lie until we dispose of the bill. . . ."²⁸

Trumbull's bill was referred to the Judiciary Committee, of which he was chairman, and was ordered to be printed.²⁹ July 26 the committee reported it with an amendment in the

²⁵ *Globe*, 1st S. 37th Cong. p. 71.

²⁶ *Ibid.* p. 127.

²⁷ Johnson, Tennessee, got successive postponements from July 20 to July 27, and during the interval the debate was at a standstill. *Ibid.* pp. 217, 220, 237, 276. July 26 he said: "If the Senate is anxious to have action upon it [the resolution] at once, I have no objection to their taking a vote upon it now, and what little I have to say I can say upon some other proposition." The *Globe* at this point reads: "Several Senators. We have no objection to its going over." *Ibid.* p. 276.

²⁸ *Ibid.* p. 392.

²⁹ *Ibid.* p. 167.

form of a substitute bill (S. No. 33).⁸⁰ This bill authorized the Commanding General and the commanders of military departments and districts "within their several commands and within States, Territories or districts of country which may have been, or shall hereafter be declared by the President of the United States to be in a state of insurrection, or in actual rebellion" to declare by proclamation such territory or any part thereof "in a state of insurrection and war." Section 4 suspended the operation of the writ of habeas corpus within such territory: "That from and after the publication of the proclamation heretofore mentioned, the operation of the writ of *habeas corpus* shall be so far suspended that no military officer shall be compelled to return the body of any person or persons detained by him by military authority; but upon the certificate, under oath, by the officer having charge of any one so detained, that such person is detained by him as a prisoner under military authority, further proceedings, under the writ of *habeas corpus*, shall be dismissed by the judge or court having issued the said writ." Section 8 empowered the military commander over such territory to administer a specified oath of allegiance to persons suspected of disloyalty. Refusal to take such oath should involve the detention of the suspected persons as prisoners "until the restoration of quiet and peace in the locality where such arrests" had been made, and anyone taking the oath who should afterwards be found in arms against the Government or aiding and abetting its enemies should be liable to the punishment of death at the hands of a court-martial. Section 10 directed the Commanding General or departmental or district commander to recall, publicly, the declaration of the state of insurrection and war, whenever the necessity therefor had ceased. The other sections made provision for the government of such territory and for the conduct of the army therein.⁸¹

This bill was manifestly of much potential import. It would apply to troubled Union territory, and to territory recon-

⁸⁰ *Globe*, 1st. S. 37th Cong., p. 275.

⁸¹ "A bill to suppress insurrection and sedition and for other purposes." *Ibid.* pp. 336-337.

quered from the Confederates. It was the latter aspect of the measure which secured most attention and most favor for the bill in the Senate.³² But it was also recognized that the bill would be applicable to sections of the Union untouched by war. Breckinridge, whose zeal in opposition was marked, declared it a bill "which abolishes, in the discretion of the Executive and of his military subordinates, not only the right to the writ of *habeas corpus* and the right of trial by jury before civil tribunals for crimes committed by citizens, but it absolutely abolishes, at his discretion, all State governments, all the judicial, executive, and legislative functions of State governments, and authorizes subordinate military commanders to substitute rules and regulations at their will for the laws of the different Commonwealths of this Union, and practically would operate as hardly upon the non-seceded as upon the seceded States."³³ Trumbull, in immediate reply, said: "The Senator from Kentucky thinks that this bill allows the military authorities great power to arrest men. Are they not arrested now? Are not men arrested in the city of Baltimore and already in confinement? . . . Are they not arrested in my State?"³⁴

The bill, coming up for discussion for the first time July 30, had little chance in the Senate. It was imperfect. Trumbull admitted the fact, although he asserted that it was the duty of the Senate to perfect the bill, inasmuch as the Legislature should enable the military authorities to do lawfully that which was needful to the suppression of the rebellion.³⁵ Others said that the bill was too important to be rushed through hurriedly.³⁶ The members of the Judiciary Committee were of every shade of opinion,³⁷ as were the senators as a whole. On a test vote, taken August 2, Bill No. 33 had to

³²*Globe*, 1st S. 37th Cong. pp. 337-393, especially 372, 373.

³³*Ibid.* p. 372.

³⁴*Ibid.* p. 373.

³⁵*Ibid.*

³⁶Harris, for example. He summed up by alleging that the temper of the Senate and the temperature of the weather were against it. *Ibid.* p. 372.

³⁷The members were Trumbull, Foster, Ten Eyck, Cowan, Harris, Bayard, and Powell. *Senate Journal*, 1st S. 37th Cong. p. 21.

give way to the joint resolution, 28 votes to 11. It was obvious that the bill was disposed of for the session.³⁸

It was soon made manifest that the victory of the joint resolution was an empty one, and that its chance of success was also gone. Immediately after the defeat of the bill Doolittle moved to refer the resolution to the Judiciary Committee.³⁹ The Democrats, who had for days been exhibiting marked solicitude for the welfare of the resolution, recognized the significance of Doolittle's motion and Breckinridge taunted the Republicans with wishing to consign the resolution to the dungeons of a committee room.⁴⁰ The Senate rejected Doolittle's motion by a vote of 23 to 17. Analysis of the vote shows that it was the Democrats who kept the resolution before the Senate.⁴¹ They had divined the divided counsels of the majority. The resolution was debated further the same day but was presently pushed aside for other business and finally on Wilson's motion the Senate went into executive session.⁴²

Monday, August 5,⁴³ Wilson introduced a bill to legalize a portion of the measures enumerated in the joint resolution. This is obviously the first part of "Bill No. 1" in a new garb. The bill was as follows: "*Be it enacted, &c., That all the acts, proclamations, and orders of the President of the United States, after the 4th of March, 1861, respecting the Army and Navy of the United States, and calling out, or relating to the militia or volunteers from the States, are hereby approved, and in all respects legalized and made valid, to the same intent and with the same effect as if they had been [issued and] done under the previous express authority and direction of*

³⁸*Globe*, 1st S. 37th Cong. p. 393. The yeas and nays show that not one Democrat and that only two members of the Judiciary Committee, stood by Trumbull on this vote. *Ibid.*

³⁹*Ibid.*

⁴⁰For this and other jibes, see *ibid.* pp. 392, 393, 452.

⁴¹Only two of the 17 were Democrats and these were War Democrats; eight of the 23 were out-and-out Democrats, one was a War Democrat and two were Unionists. *Ibid.* p. 393.

⁴²*Ibid.* p. 406.

⁴³No mention of the joint resolution, August 3.

the Congress of the United States."⁴⁴ Considerations of Senate procedure made it advisable to tack this measure to a bill increasing the pay of the troops, and the amended bill passed the Senate by a vote of 37 to 5.⁴⁵ In the House, a motion to strike out this amendment failed by a vote of 19 to 74.⁴⁶ The bill (S. No. 72) approved by the President, August 6, contains this legalizing section in the words in which it was presented by Wilson.⁴⁷

The legalizing section was framed, it was said, to meet the technical objections of three-year volunteers who saw a loophole of escape from the army in the circumstance that the President had exceeded his authority in calling them into the service of the United States.⁴⁸ But it will be seen that the phraseology of the section was such that it might be used to cover more than the special difficulty. It could and did serve as the basis for general assertions that Congress approved the extraordinary acts of the President. "Both Houses," said the New York *Daily Tribune* of August 6, "yesterday passed resolves formally approving the acts of the President for the salvation of the Republic. Good." In a similar vein Senator Grimes wrote to an Iowa correspondent who was alive to the importance of the point as a campaign issue: "This section ratifies and confirms, to the fullest possible extent, all the acts of the President that needed or that were susceptible of ratification. . . . So far as I am informed, I believe it was all the confirmation of the acts of the President that he either expected or desired."⁴⁹

The passage of this legalizing amendment was on the face of things an act of salvage upon the wrecked joint resolu-

⁴⁴*Globe*, 1st S. 37th Cong. p. 442.

⁴⁵*Ibid.* pp. 442-443.

⁴⁶*Ibid.* p. 449.

⁴⁷See section 3 of Chapter LXIII of the Acts of the 37th Congress. The amended bill (S. No. 69) after passing both Houses was laid upon the Senate's table and a new bill (S. No. 72) was substituted, amended and passed in both Houses and finally received the President's signature.

⁴⁸See Fessenden's explanation, *Globe*, 1st S. 37th Cong. p. 442.

⁴⁹Salter's *Grimes*, pp. 150-152. Letter referred to in Rhodes, vol. III, p. 489.

tion.⁵⁰ Nevertheless Wilson announced shortly after the opening of the Senate, August 6, that he proposed to take up the joint resolution and wanted it brought to a vote.⁵¹ Whatever his motives, whatever his expectations of success, he did, on the last day of the session, make a gallant effort to get a final vote upon it. He offered to remove all ambiguity from the enacting clause;⁵² he offered to modify the section on the blockades. It was all in vain. The effort served merely to enable leading Republicans to exhibit a belated and suspicious enthusiasm for a measure which had no chance of passing at the eleventh hour, to show the confidence of the Democrats that the Republicans would not allow it to come to a vote, and to give each party an opportunity to throw upon the other the responsibility for its failure.⁵³ There was a touch of poetic vengeance in the final supersession of the resolution, for it was Trumbull, the virtual author of Bill No. 33, who stood in the way—however needlessly—at the very end, and refused to allow the resolution to come to a vote.⁵⁴

The responsibility for the failure of the resolution to pass the Senate must be laid at the door of the Republican majority. If they had continued of the same mind they were July 10, the ambiguity of the enacting clause would not have been a stumbling block.⁵⁵ The ambiguity was pointed out

⁵⁰Sherman said, August 5: "I am very glad this proposition has come up in this way, and I take it as a matter of course, that if this bill is passed, the other joint resolution will not be called up." *Globe*, 1st S. 37th Cong. p. 442. See also Saulsbury's statement, *ibid.* Certainly, if the joint resolution meant *legalization* and were to become law, this legalizing amendment would be supererogatory.

⁵¹*Ibid.* p. 451. And see his response to Breckinridge's jibe, *ibid.* p. 442.

⁵²See above, p. 229, footnote.

⁵³*Globe*, 1st S. 37th Cong. pp. 451-453.

⁵⁴*Ibid.* p. 453.

⁵⁵The ambiguity of the enacting clause served as a good excuse for senators who felt it necessary, at a later time, to justify the failure of the resolution. Senator Grimes wrote, in his letter of September 16, 1861: "There may be some who honestly believe that the Senate refused to support the President because of their failure to pass certain resolutions presented by Mr. Wilson, of Massachusetts. The facts in regard to those resolutions were these: They were introduced at an early day in the session, and were put aside from day to day to make room for what was considered more important business, until just at the close of the session, when they had reached that stage in parliamentary proceedings when it was impossible to amend them without parliamentary consent, and that could not be obtained. The objection urged by some gentlemen against them as they stood without amendment was, that they were

at an early day, and yet no motion to remove it was ever made in the Senate until the last day of the session, when the rules of the Senate required unanimous consent. That of itself, considering that the resolution was in the control of the majority for weeks, demonstrates almost conclusively that the Republicans in the Senate had lost interest either in legalizing, or recognizing the legality of, the President's suspension of the habeas corpus.

The change of attitude toward the resolution on the part of the supporters of the Administration took place immediately after July 10. It came so swiftly that it is difficult to escape the impression that the *volte face* was due to sudden and powerful pressure. In the absence of any direct evidence of the employment of this pressure it is safe to fall back upon the general and obvious conclusion that the Republican senators and their allies while as a whole approving of the suspension by the President were unwilling to place themselves

improperly drawn . . . and declared that the acts of the President were legal and valid when performed, whereas ~~as~~ they insisted, they ought to have declared that those acts *should* be legal and valid as though done under the sanction of law.

"It was simply on account of this objection in the minds of a few Senators that the resolutions which it was impossible to amend were dropped, and the substance of them incorporated into a law . . ." *Salter's Grimes*, pp. 150-152.

John Sherman, in a letter to the Cincinnati Gazette, printed in the New York Daily Tribune of August 23, 1861, elaborated the same idea. "It is true I did not vote for Senator Wilson's resolution. No vote by yeas and nays was taken upon it. I would have voted against it, and I am well satisfied a majority of the Republican Senators would have voted likewise. But it was not for the reason you state. All the Republican and several of the Democratic Senators cordially approved and justified the acts of the President in Baltimore, and so declared and voted.

"Senator Wilson's resolution declared that the President's orders increasing the regular army and suspending the writ of *habeas corpus* were legal and valid; in other words, were among the powers delegated to the President by the Constitution . . . The legal power to suspend the writ of *habeas corpus* has been recently claimed for the President. . . . While I approved and justified the acts of the President, I could not say with Senator Wilson that they were strictly legal or within the delegated powers. There are times when our Executive officer must anticipate the action of Congress, but in such a case he assumes the hazard of a 'Bill of Impeachment,' or a 'Bill of Indemnity.' The President merely assumed this hazard, and in the vacancy of Congress wisely assumed a power not delegated to him by the Constitution. He places his own justification in his message on the ground of public necessity, and on this ground his acts have been approved, justified and legalized by Congress." Note again the use made of section 3 of chapter LXIII.

formally upon record as authorizing it or as declaring its legality. The former course might have embarrassed the Executive;⁵⁰ the latter, themselves.⁵¹

It would indeed be worth while to determine just why Congress, in the extra session, took no action on the habeas corpus question. The important thing, however, is established—that it took no action. The President had suspended the privilege of the writ on his own authority; he had asserted his constitutional right, under the given circumstances, so to do; he had, nevertheless, in deference to the older interpretation of the habeas corpus clause of the Constitution, submitted the question of the expediency of congressional action to the “better judgment of Congress.” Congress, at the ideal time for asserting its rights, refrained from interfering and left the President’s claim unchallenged. Another question suggests itself: How long must Congress acquiesce in order to perfect the President’s title to suspend?⁵²

⁵⁰The Grimes letter puts it in this way: “It must be apparent, I think, to everyone who will reflect upon the subject, that to have attempted such confirmation [i. e., to have passed the resolution] would be to inferentially admit that, as commander-in-chief of the Army and Navy of the United States, the President had no power to suspend the operation of that writ without congressional authority. Very few, if any, loyal members of Congress were willing to admit that. They did not doubt but that he had complete power in the premises, and they chose to leave him to exercise his authority under the constitution according to his own judgment. *Loc. cit.* Cf. the equally emphatic opposite view of Sherman, above, p. 237, footnote.

⁵¹Breckinridge, for example, said, August 2: “My deliberate judgment is, that in some mode the Senate will avoid putting itself on record in favor of the principles contained in this resolution. . . .” *Globe*, 1st S. 37th Cong. p. 392. Doolittle denied any intention “to recoil from the responsibility of approving the acts of the Administration.” *Ibid.*, p. 452.

⁵²Lord John Russell, an acute observer, was interrogated in the House of Lords, February 10, 1862, on the subject of the political arrests in the United States. In his interesting reply, he said, *inter alia*: “The question itself was brought before Congress and a resolution was proposed that there should be no arbitrary arrests except with the sanction of Congress. But it was contended that it was part of the prerogative of the President, and a large majority decided that the question should not be discussed and thereby left the President to act for himself.” See the whole extract from the proceedings of the British Parliament, 115 *War Records*, pp. 218-216.

CHAPTER III.

THE INACTION OF THE SECOND SESSION.

The unwillingness displayed by Congress in the extra session to take positive action on the vexed problem of habeas corpus continued throughout the ensuing long session. There was not more than a tithe of the interest shown in the summer of 1861, and the only bill which saw the light under auspices at all favorable was kept back from consideration of either House until July 7, 1862, when the end of the session was in plain view.¹

This bill (House No. 362) was framed by the House Committee on the Judiciary. March 13, 1862, Mr. May, for the committee, reported "a bill to provide for the discharge of

¹The *habeas corpus* material of the session, outside of the bill in question, is slight. In the House Pendleton offered a resolution, December 10, declaring that Congress alone has power to suspend. It was laid on the table, 108 to 28. *Globe*, 2d S. 37th Cong. pp. 40-45. Vallandigham, December 23, introduced a personal liberty bill, to imprison the President for two years should he make any more arbitrary arrests. It was referred to the Judiciary Committee and slept the long sleep. *Ibid.* pp. 167, 2070. In the Senate Trumbull offered a resolution, December 12, asking the Secretary of State to report, *inter alia*, under what law he made arrests in loyal States. The resolution was referred, against Trumbull's will, to the Judiciary Committee. *Ibid.* pp. 60, 90-98. Senator King's resolution of December 23 favoring the prosecution of State prisoners in the courts went without debate to the same committee. *Ibid.* pp. 161, 175. Powell's resolution of April 21, 1862, asking detailed information concerning Kentucky arrests met considerable opposition, but after its language had been made very respectful it was allowed to go through. *Ibid.* pp. 1732, 2113, 2393 and *passim*. January 21, 1862, Bill No. 33 of the extra session was taken up and recommitted to the Judiciary Committee. *Ibid.* pp. 115, 409. May 5 Carlisle introduced a bill to regulate arbitrary arrests. It went promptly to the same committee. *Ibid.* p. 1935. July 12 the Judiciary Committee reported back the King and Trumbull resolutions and was discharged. *Ibid.* p. 3271. July 11 and 12 it reported back Bill No. 33 and Carlisle's bill and recommended their indefinite postponement. *Ibid.* pp. 3245, 3271. (On the latter date the committee reported back House Bill No. 362 favorably.) Shellabarger's long speech of May 12, in House Committee of the Whole, defending suspension by the President, completes the catalogue. *Ibid.* pp. 2069-2074.

State prisoners and others, and to authorize judges of the United States courts to take bail or recognizances to secure the trial of the same; which was read a first and second time, recommitted to the Committee on the Judiciary, and ordered to be printed.² July 7, 1862, the committee, through Bingham, reported with amendments the bill it had originally reported almost three months before.³ The first section of the amended bill provided for the discharge on terms, by the federal courts, of political prisoners who should not have been indicted or presented by a grand jury attending said courts; the second section required the courts to discharge upon bail or recognizance political prisoners who should have been indicted or presented as aforesaid, provided that the laws entitled them to liberation on bail or recognizance. The third section of the amended bill was new;⁴ the original bill contained no such provision. It was as follows:

"SEC. 3. *And be it further enacted*, That it is, and shall be lawful for the President of the United States, whenever, in his judgment by reason of 'rebellion or invasion the public safety may require it,' to suspend, by proclamation, the privilege of the writ of *habeas corpus* throughout the United States or in any part thereof, and whenever the said writ shall be suspended as aforesaid, it shall be unlawful for any of the judges of the several courts of the United States, or of any State, to allow said writ, anything in this or any other act to the contrary notwithstanding."⁵

Once again there is to be noted the curious ambiguity. This time it was the deliberate work of the House Judiciary Committee. What is the meaning of "is and shall be lawful?" Does the section declare that the President has the right or does it give him the right to suspend? Bingham, who was surely in a position to know, said it was "very easy of comprehension." "I ask," he continued, "the gentleman to consider that the amendment is in the very words of the Constitution itself."⁶ That, however, was hardly a guarantee of

²*Globe*, 2d S. 37th Cong., p. 1228.

³*Ibid.* p. 3105.

⁴See Bingham's statement. *Ibid.* p. 3106.

⁵For whole bill see *ibid.* pp. 3105-3106, and below, pp. 268-270.

⁶*Ibid.* p. 3106.

clarity. July 8 Biddle attacked the problem of interpretation by intimating that he desired the section amended so as to read, "That it may and shall be lawful for the President of the United States whenever, in his judgment, by reason of rebellion or invasion the public safety may require it, to suspend by proclamation, for the period of twelve months, or until the next meeting of Congress, the privilege of the writ of *habeas corpus* in any of the United States, or in any part thereof, wherein the laws of the United States are by force opposed, and the execution thereof obstructed."⁷ Bingham's response was still evasive: "The gentleman strangely misconceives this bill if he supposes there is anything in this legislation which puts it out of the power of the Congress of the United States, within twelve months after such proclamation may be made, to put an end to the law itself. The bill, as it now stands, impliedly and expressly upon its face, is a declaration that this whole matter, in so far as it can be effected by legislation, is in the power of the Representatives of the people. . . ."⁸ Biddle had finally to out with it. "Up to the present time there has been a pretension made in behalf of executive power that the President alone has the right arbitrarily to imprison any American citizen. . . this bill itself, I am happy to see, denies that right."⁹ Bingham allowed this assertion to pass unchallenged, but the question of interpretation would not down. In a few minutes Colfax said: "If by voting for this bill we imply that the President had not the power, for the salvation of the country, to suspend the writ of *habeas corpus*, I will not vote for it. . . I will not vote for any bill which indirectly assumes that he has not the power."¹⁰ Bingham answered, at once: "The gentleman from Indiana may quiet his fears. . . The bill, neither directly nor indirectly, implies any such thing. As I said before, by the common judgment of everybody who has spoken on this question, the bill can do no harm if Congress has no power to meddle with the matter at all; if it has, it

⁷*Globe*, 2d S. 37th Cong. p. 3183.

⁸*Ibid.*

⁹*Ibid.*

¹⁰*Ibid.* p. 3184.

covers the Executive as with a shield. That is all there is of it. I call the previous question."¹¹ It is not necessary to push further, in this chapter, the question of interpretation in the House. Bingham, who was, if anyone was, in a position to know the mind of the Judiciary Committee, admitted that the bill neither directly nor indirectly implied that the President had not the power, for the salvation of the country, to suspend the writ of habeas corpus. A motion to lay the bill on the table was defeated, 89 to 29.¹² The bill was thereupon passed, without any record of the yeas and nays.¹³

The Senate received the bill from the House July 8, 1862, and referred it to the Judiciary Committee.¹⁴ July 12 Trumbull, for the committee, reported it without amendment¹⁵ and with a recommendation that it be passed.¹⁶ The greater portion of the brief debate upon the bill—reported in what would amount to about five pages of the *Globe*—was devoted to the first two sections, and these provoked lively opposition, being construed by many to mean, as Wilson put it, "a jail delivery of traitors."¹⁷ July 16 Wilson moved, in Committee of the Whole, to strike out these sections. The motion failed by the narrow vote of 18 to 19, and of the 19 only seven were Republicans.¹⁸ The temper of the Republicans was clearly ominous.

The debate on the third section of the bill was brief but significant. Wilson interpreted the section as bestowing on the President congressional authority to suspend. "The third section of the bill, authorizing the President of the United States to suspend the writ of *habeas corpus*, I think very well, and am very willing to vote for it. . . ."¹⁹ Trumbull,²⁰ Sumner²¹ and Foster²² interpreted the section in the same

¹¹ *Globe*, 2d S. 37th Cong. p. 3189.

¹² *Ibid.* Colfax voted with the minority.

¹³ *Ibid.* For text see below, pp. 208-270.

¹⁴ *Ibid.* p. 3178.

¹⁵ *Globe*, 2d S. 37th Cong. p. 3178.

¹⁶ *Ibid.* p. 3360.

¹⁷ *Ibid.* p. 3359.

¹⁸ *Ibid.* p. 3384.

¹⁹ *Ibid.* p. 3360.

²⁰ *Ibid.* p. 3385.

²¹ *Ibid.*

²² *Ibid.* p. 3361.

way. Henderson's adherence to this construction was less emphatic: "The third section of the bill, as I understand it, if there is anything in it, simply assumes the power in Congress to suspend the privilege of the writ of *habeas corpus*."²³

Howe took the other view. In speaking of the first section he said: "This proceeds on the assumption that the Government has exercised no power with which it is not clothed, that it has only exerted power with which it is clothed, and this is to clothe the judicial department of the Government with power which it does not now possess, to order the discharge of these persons. . . This bill, in the first section, assuming that the prisoner is rightfully confined, and therefore that he has no right to the writ of *habeas corpus*, provides that he may apply to the court for an order, and not for a writ. . . "²⁴ The peculiar language of the third section did not escape him. "In the very same bill," he said, "in which you are trying to discharge prisoners by an order, you declare that it is the right of the President already, and shall continue to be his right, to suspend the writ of *habeas corpus*. You do not propose to confer that power upon him, but to recognize it as his. . . Now what is the meaning of the whole bill? . . . Is not that the effect of the whole act [bill], acknowledging the right of the President to suspend the writ of *habeas corpus*, which is the time-long remedy for persons restrained of their freedom contrary to law, and creating a new remedy which will discharge the prisoner in spite of the suspension of the writ of *habeas corpus*. . . Now it does seem to me that either you ought to strike out the first two sections or the last."²⁵ Howe's argument is, as a whole, worthy of consideration.

Cowan proposed a number of amendments to the third section which have a direct bearing on the fundamental problem. These amendments, agreed to in Committee of the Whole, caused the section to assume this form: "That it is and shall be lawful for the President of the United States whenever,

²³ *Globe*, 2d S. 37th Cong. p. 3386.

²⁴ *Ibid.* pp. 3361-3362.

²⁵ *Ibid.* p. 3362.

(Congress not being in session,) in his judgment, by reason of 'rebellion or invasion the public safety may require it,' to suspend by proclamation the privileges of the writ of *habeas corpus* in all cases of political offences throughout the United States or in any part thereof, until the meeting of Congress thereafter; and whenever and wherever the said writ, &c."²⁶ Howe demanded the yeas and nays, in the Senate, on the amendment inserting the words "Congress not being in session," and in reiterating his interpretation of the section remarked: "The third section, as it stands in the bill, affirms what I believe to be the law of the land, that it is lawful for the President of the United States, whenever, in his judgment, by reason of rebellion or invasion, the public safety may require it, to suspend the writ of *habeas corpus*. The effect of these amendments, taken altogether, is to declare that that may be lawful for the President, in a certain contingency, that is to say in the absence of the Congress of the United States. . . ." ²⁷ The amendment was concurred in by a vote of 33 to 5.²⁸ This vote cannot, of course, be regarded as a definite expression of the sentiment of the Senate, for opponents of the bill might well, and doubtless did, vote for the amendment in order to expedite the destruction of the bill.

The Senate concurred in all Howe's amendments to the third section. Other amendments designed to perfect the bill or nullify it were offered, and debate was begun upon them when Chandler intervened with a very long speech on military mismanagement—a topic which he admitted was hardly relevant—for which he was afterwards rebuked on the ground that he divulged the proceedings of the Committee on the Conduct of the War.²⁹ It was the day before the end of the session. He talked until the evening recess came; he talked after the evening recess, and when he had at length concluded Wilson promptly moved that the Senate go into executive session.³⁰ The success of Wilson's motion would mean, of

²⁶*Globe*, 2d S. 37th Cong. p. 3384.

²⁷*Ibid.* p. 3385.

²⁸*Ibid.*

²⁹*Ibid.* pp. 3386-3392, 3401.

³⁰*Ibid.* p. 3392.

course, the failure of the bill. Trumbull protested against the indirection of this method of getting rid of the bill—did not want it “to be overslaughtered in this way”—and demanded the yeas and nays on Wilson’s motion. The result stood 25 for the executive session and 14 against it. The yeas were solidly Republican; the nays included five Republicans.³¹ The bill was decisively disposed of for the session.

The thirty-seventh Congress, in its second session, made no positive advance toward a determination of the habeas corpus issue. The House, to be sure, committed itself upon the question. But the bill which embodied its decision, while logically an assertion of Congressional jurisdiction over the subject of suspension, was so phrased, in the vital third section, that it could be and was interpreted as leaving unassailed the President’s right to suspend. The Senate’s disapproval of the bill was obvious. Its vote of 33 to 5 in favor of inserting the words “Congress not being in session” if *bona fide* would go far to show that the Senate was a supporter of the President’s initial claim. But its indirect though emphatic rejection of the bill leaves the question of its attitude on the issue still open. Once again Congress drew back from positive action on the habeas corpus question. The President’s claim rightfully to suspend under certain circumstances went again unchallenged.

³¹*Globe*, 2d S. 37th Cong. p. 3393.

CHAPTER IV.

THE ACTION OF THE THIRD SESSION.

The long-continued inaction of Congress came to an end March 3, 1863, with the passage of the Habeas Corpus Act of that date. Weeks before this, however, several Republican senators expressed the opinion that it was now too late for an assertion of exclusive Congressional jurisdiction over the matter. Lane of Indiana said, December 22, 1862: "Gentlemen speak of the President's usurpation of authority. The Constitution authorizes the suspension of the privilege of the writ of *habeas corpus*, without saying in express terms who shall exercise that authority. The President has done it. It is an accomplished fact and cannot be undone. Suppose we now say that, in our opinion, the authority is given to Congress, can we change his convictions of duty or control his actions? Such a course will only bring about a conflict of authority between Congress and the President, and weaken the power of both."¹ A similar thought was developed by Collamer, January 9, 1863: "The Executive is just as much clothed with authority, and bound in duty when called on, to give construction to the Constitution in the execution of it as we are, and his decision is just as binding as ours . . . and it is not common courtesy for one department of this Government to say to another, 'We say the Constitution means so and so, and we are infallible.' The judiciary, when the question arises before them in the proper form, decide the Constitution in the particular suit, and that is all there is in their decision."² Collamer then drew the practical conclu-

¹*Globe*, 3d S. 37th Cong. p. 158.²*Ibid.* p. 247.

sion that Congress should treat the President's decision as settled by a body as competent as itself, and shape its legislation accordingly. It should not pass any bill in which the necessary implication was that the President's decision was incorrect. The President should not be asked to approve any such bill and thus "publish to the world that he has done that which he had no legal right to do."³

Cowan expressed the same idea with more emphatic brevity, January 27: "Now, whether this question of the *habeas corpus* has been decided right or wrong, it has gone by; let it go . . . it has been decided; the decision has been acted upon; and it is idle for us now to agitate ourselves and divide ourselves in its discussion when we can come to no conclusion, because we have no judicial power, we can make no decision that will be binding upon anybody."⁴

The Democrats in Congress were by no means convinced that the question was settled. They opened the session with a vigorous and systematic onslaught upon Presidential suspension in which the tonic effect of the late elections and other manifestations of public opinion is apparent.⁵ Their attack was, however, unaccompanied by any plan for positive legislation.⁶

Republicans in House and Senate took up the question promptly and almost concurrently. December 8, 1862, Thaddeus Stevens, the aggressive and radical leader in the House, introduced a bill (House No. 591) "to indemnify the President and other persons for suspending the privilege of the writ of *habeas corpus*, and acts done in pursuance thereof; which was

³*Globe*, 3d S. 37th Cong. p. 247.

⁴*Ibid.* p. 542.

⁵See, e. g., Powell's jubilant reference to the elections, *ibid.* p. 33.

⁶The character of the attack is indicated by the resolutions offered during the first few days of the session. In the House Cox offered a resolution condemning extraordinary arrests, December 1—the first day of the session. *Globe*, 3d S. 37th Cong. p. 2. The next day Powell introduced a resolution in the Senate which was substantially identical with Cox's. *Ibid.* p. 3. December 1 Richardson made a motion in the House to secure information from the President concerning Illinois arrests. *Ibid.* The next day Powell sought similar information in the Senate concerning Kentucky arrests. *Ibid.* pp. 3, 14. December 3 Senator Saulsbury introduced his much-debated resolution for information touching two Delaware arrests. *Ibid.* pp. 4, 5.

read a first time.”⁷ The bill in its curt directness is characteristic of its author.

“Whereas, since the 4th day of March, 1861, the United States have been in an insurrectionary and rebellious condition, and the public safety has required that the privilege of the writ of *habeas corpus* should be suspended; and whereas during that time the privilege of the said writ has been several times suspended by the President of the United States, and several arrests and imprisonments have taken place under and in consequence thereof; and whereas there is not entire unanimity of opinion as to which branch of the Government possesses the constitutional power to declare such suspension: Therefore,

“Be it enacted, &c., That all such suspensions, arrests and imprisonments, by whomsoever made or caused to be made, under the authority of the said President, shall be confirmed and made valid; and the said President, Secretaries, heads of Departments, and all persons who have been concerned in making said arrests, or in doing or advising any such acts as aforesaid, are hereby indemnified and discharged in respect thereof, and all indictments, and information, action, suits, prosecutions, and proceedings whatsoever commenced, or to be commenced, against the said President, or any of the persons aforesaid in relation to the acts and matters aforesaid, or any of them, are hereby discharged and made void.

“SEC. 2. *And be it further enacted,* That during the existence of this rebellion the President shall be, and is hereby, invested with authority to declare the suspension of the privilege of the writ of *habeas corpus*, at such times, and in such places, and with regard to such persons, as in his judgment the public safety may require.”⁸

The bill was obviously designed—it was in truth its main purpose—to void or prevent the bringing of civil or criminal suits against the President or any person acting under his authority for acts which would in the normal course of affairs be illegal. The danger was not altogether prospective.

⁷*Globe*, 3d S. 37th Cong. p. 20.

⁸*Ibid.* p. 529.

In the spring of 1862 Simon Cameron, late Secretary of War, had been arrested at the suit of Pierce Butler for "trespass *vi et armis*, assault and battery, and false imprisonment," and Secretary Welles had been exposed to similar reprisals.⁹ It was even to be feared that Abraham Lincoln might suffer greater humiliation. Colfax said, December 8, 1862: "We have either to vindicate him [the President] as now proposed or leave him to be persecuted as soon as he retires from office by those whom he arrested."¹⁰ Thaddeus Stevens went even further: "If there be a remedy for these false imprisonments it may extend to indictments as well as to civil suits, and how is the Government to indemnify the President for two years' imprisonment in the penitentiary?"¹¹

The Stevens bill lacked the ambiguity which had characterized nearly all the preceding habeas corpus measures. It unequivocally granted the President authority to suspend: it did not declare that the President "is authorized to suspend," but enacted that he "shall be and is hereby" authorized to suspend. And yet, did the bill implicitly condemn the President's claim to suspend on his own authority? Thirty-seven minority members of the House in a formal protest asserted that the bill "purports to indemnify the President and all acting under his authority for acts admitted to be wrongful."¹² Several members of the Senate and other members of the House, Republican and Democratic, interpreted the bill in a similar way.¹³

⁹*Globe*, 3d S. 37th Cong. pp. 165-166; 115 *War Records*, pp. 505-509; *Globe*, 2d S. 37th Cong. pp. 1763, 3245. Cowan intimated in 1866 that the Habeas Corpus Act was originally framed to protect an intimate friend of the President. *Globe*, 1st S. 39th Cong. p. 2021.

¹⁰*Globe*, 3d S. 37th Cong. p. 21.

¹¹*Ibid.* p. 22. Cf. Horace Binney's opinion in his letter of May 17, 1862, to Francis Lieber: "But without the Habeas Corpus clause it [the power to indemnify] would not belong to the Federal government at all. With that clause, however, if Congress has the power of suspension, and not the President, why does not the *ratio habilitas* cover the whole wrong, for the President's protection? It strikes me that this matter ought not to be neglected by the President's friends in the two houses, while they are the majority . . . I should be sorry to see the President come to grief between a bitter judiciary and a bitter jury." C. C. Binney's *Binney*, pp. 355-356.

¹²*Globe*, 3d S. 37th Cong. p. 165.

¹³In the Senate, Collamer (*ibid.* p. 248), Sanlbury (*ibid.* p. 543), and McDougall (*ibid.* p. 548). In the House, May (*ibid.* p. 1069), Walker (*ibid.* p. 1086), Yeaman (*ibid.*) and Stiles (*ibid.* p. 1087).

Olin's statement in the House is at least a tribute to the influence of Thaddeus Stevens: "In my judgment, sir—which may not be worth much—the bill is unnecessary. I hold that the President had the authority by law, and was the proper tribunal, to exercise all the powers that he has exercised in suspending the writ of *habeas corpus*; nevertheless I concur with my friend from Pennsylvania that a bill of this character is proper under the circumstances."¹⁴

Stevens's interpretation of his own measure must be given a great amount of weight: "I have not confessed the illegality of these acts, for this reason: the Attorney General of the United States and the Administration have held that the President had, without such a bill, full power; and if he had the power to order all these acts, then there is no remedy for anybody. A remedy exists only where there is a wrong. If the President had the right to suspend the writ of *habeas corpus*, and under that these results took place, I should like to know who had the right of action against him? There can be no such thing. If there be a remedy for these false imprisonments it may extend to indictments as well as to civil suits, and how is the Government to indemnify the President for two years' imprisonment in the penitentiary? What kind of indemnity is the Government to afford to men thus prosecuted under these laws? But, sir, if the President was right in supposing that he had the authority to suspend the privilege of the writ of *habeas corpus*, I admit with my friend from New York [Mr. Olin] that there would be no necessity for this bill. But then it would do no harm, it would confer no additional power, it would do only what could be done before. But I have recited that there is doubt on that subject. . . I do doubt the authority of the President of the United States to suspend the privilege of the writ of *habeas corpus* except when there is an absolute necessity for him to have that power, or an emergency when Congress is not in session."¹⁵ The last is a significant concession from a great stickler for Congressional "sovereignty."¹⁶

¹⁴*Globe*, 3d S. 37th Cong. pp. 20-21.

¹⁵*Ibid.* p. 22.

¹⁶*Ibid.*

Stevens introduced his bill December 8. He proposed that it should be postponed for three days and that it should be made a special order and continue such until disposed of. He encountered, however, the exigent opposition of Vallandigham, and thereupon peremptorily withdrew his motion to postpone, asked that the bill be put upon its passage, and moved the previous question. A brief but warm wrangle over procedure ensued, but Stevens's domination of the majority was so firm that the bill, although still unprinted, was rushed through the various parliamentary stages and passed by a vote of 90 to 45. It was the most expeditious passage that a habeas corpus bill ever had during the civil war.¹⁷ Two weeks later, when the Republicans had had an opportunity to reflect upon their precipitation, Pendleton submitted the protest of the thirty-seven minority members against the bill and the manner of its passage. On Stevens's motion the resolution of protest was laid upon the table, 75 to 41.¹⁸

The Senate received the bill December 9 and referred it to the Judiciary Committee, of which Trumbull was still chairman.¹⁹

Trumbull's enduring interest in a solution of the habeas corpus problem was exhibited later in the same day. The debates on Saulsbury's resolution concerning the Delaware arrests were beginning to unfold their length. Trumbull interrupted their progress for a moment to announce that he would move to lay the resolution upon the table and to take up House Bill No. 362—"a practical question."²⁰ December 10 the Senate, on his initiative, took up the bill and ordered it printed with a view to its further consideration.²¹ Debate upon it began December 16.²²

The ambiguity of the third section of House Bill No. 362 had been demonstrated to the Senate in the session of 1861—

¹⁷*Globe*, 3d 8, 37th Cong. pp. 14, 20-22.

¹⁸*Ibid.* pp. 165-166.

¹⁹*Ibid.* pp. 25, 26.

²⁰*Ibid.* p. 31.

²¹*Ibid.* p. 52.

²²*Ibid.* p. 102.

1862.²³ No senator alluded to it in the session of 1862-63. Every one who discussed the bill took it for granted that the bill, with its "That it is and shall be lawful for the President . . . to suspend . . ." meant Congressional authorization to suspend. Field's statement may be given as fairly typical. There were, he said, two objections to the third section: "The first is, it takes for granted that the power of suspending the privilege of the writ of *habeas corpus* is conferred by the Constitution upon Congress alone; and then it proposes that Congress should delegate to the President, not only the power of suspending the writ, but also of determining whether the exigency has arisen which would justify such a suspension . . . I hold that the Constitution of the United States confers upon the President, and not upon Congress, the power of suspending the privilege of the writ of *habeas corpus*; but if mistaken in this, I hold that Congress has no authority to delegate to the President the exercise of such a power."²⁴ Collamer went even further, and asserted that the bill was a condemnation of Presidential suspension: "It goes on the ground that anything he [the President] has done by way of imprisoning these people is not in the least altered by his suspension of the *habeas corpus*; that is to say, 'we are right about the construction of the suspension of the *habeas corpus* act [clause of the Constitution], and you are wrong.'"²⁵ It is at least curious that Howe did not remind the Senate of the other interpretation of the third section of the bill.

Collamer was dissatisfied with House Bill No. 362 because it seemed to him to reflect upon the President's claim to suspend. House Bill No. 591—Stevens's bill—was equally objectionable to him because it was, he feared, beyond the competence of Congress, which did not possess "the omnipotent powers of Parliament." If it was to be apprehended that the

²³ See chapter III, above.

²⁴ *Globe*, 3d S. 37th Cong., p. 216.

²⁵ *Ibid.* p. 247. See also statements of Senators Powell (*Globe*, 3d S. 37th Cong. p. 111), Lane of Indiana (*ibid.* p. 157), Wright (*ibid.* p. 200), Ten Eyck (*ibid.* p. 274), Trumbull (*ibid.* pp. 1090, 1092) and Doolittle (*ibid.* p. 1092). In the House, Wycliffe vigorously asserted, with animadversions, that the bill was declaratory. *Ibid.* p. 1105.

courts might consider the President's suspension an exercise of unfounded authority it would be, in his opinion, unwise to attempt to smother up the unconstitutionality by passing an act whose constitutionality would be questionable.²⁶ He did not confine himself to destructive criticism. His remarks were in fact prefaced by the introduction of a bill (Senate No. 457) embodying his views.²⁷ The bill was referred to the Committee on the Judiciary and on Sumner's motion was ordered to be printed.²⁸

Collamer's words made such an impression upon the Judiciary Committee that it reported a bill, substantially the same as his,²⁹ January 15, 1863, as a substitute for Stevens's Bill No. 591, which had lain dormant in the pigeon-holes of the committee ever since its reference early in December.³⁰ The first section of the substitute provided for the transfer of suits begun in a State court for trespasses or wrongs done or committed under the authority or color of authority of the President to the United States Circuit Court. The second section provided that, even if judgment should be given against the defendant or respondent, yet, should it appear to the court that the defendant or respondent had reasonable or probable cause for doing what he did, or had acted in good faith, no execution should issue or further proceeding be had until after the adjournment of the then next ensuing session of Congress. The third section authorized the carrying of a case in which final judgment had been rendered by the Circuit Court to the Supreme Court, and the fourth fixed a period beyond which suits could not be brought.³¹

In recommending the measure which his committee had reported Trumbull took pains to point out that it did not reflect upon the legitimacy of Presidential suspension: "I will say . . . that this bill does not depend at all upon the power of the President to suspend the writ of *habeas corpus*. Whether he has the power or not, this bill would be necessary

²⁶*Globe*, 3d S. 37th Cong. pp. 247-248.

²⁷January 9, 1863. Substance of bill is given, *ibid.* pp. 248-249.

²⁸*Ibid.* p. 249.

²⁹*Ibid.* pp. 321, 535, 539, 541.

³⁰*Ibid.* p. 321.

³¹Text, *ibid.* p. 529.

and it would be just as necessary if he had the power to suspend it as it would be if he had not; because the suspension of the writ of *habeas corpus* does not of itself justify the arrest of anybody. . . . So, if the writ of *habeas corpus* was suspended by act of Congress with the concurrence of the President, both acting together, there would be the same necessity for this act to protect the officers, in case, acting from probable cause and in good faith, they had wrongfully made arrests."³²

The discussion of the Judiciary Committee's substitute for Stevens's bill was animated, but it was begun and ended on the same day, January 27, 1863. The substitute underwent a variety of amendments, of which one offered by Cowan is noteworthy. It provided that the judge might interfere before judgment had been rendered, that is, that whenever in the course of the trial it was discovered that there was probable cause for making the arrest, the judge should charge the jury to that effect and tell it that that was a defence to the action and no judgment should ever be rendered.³³ Another and most important amendment was added at the instance of Sherman, to the effect that political prisoners arrested in peaceful States should have a hearing before the courts within thirty days, provided they were not persons subject to the articles of war.³⁴ The bill, as amended, was passed as a substitute for Stevens's bill by the handsome and almost suspicious majority of 33 to 7.³⁵ Its title was changed to the colorless "An

³²*Globe*, 3d S. 37th Cong. p. 534. Trumbull's explanation does not seem conclusive. The Democrats, in this session, harped much upon the argument that suspension does not of itself authorize extraordinary arrest. Collamer, the father of the bill recommended by Trumbull, held the opposite view. In introducing Senate Bill No. 457, he said: "What did the Executive need to do for these periods of extremity? What was wanted? It was this: that he might, if the privilege of that writ was suspended, arrest people who had not committed crimes, and hold them to prevent their committing crimes that would put the nation in jeopardy. If he was only to arrest those people who had committed crimes, he could do that without having the writ of *habeas corpus* suspended at all." *Ibid.* p. 247. Cf. his statement on the substitute bill, *ibid.* p. 550.

³³*Ibid.* p. 554. This amendment became section 2 of the substitute.

³⁴*Ibid.*

³⁵*Ibid.* Text of the bill is given below, pp. 271-274.

act to regulate judicial proceedings in certain cases therein mentioned."³⁶

The emasculation of the title of the Senate's substitute, and the absence from it of anything corresponding to that clause of the Indemnity Bill which invested the President with authority to suspend, are not to be taken as evidence that the Senate was agreed that the question of the legitimacy of Presidential suspension was an idle one. That question was still to be dealt with by the Senate in the pending House Bill No. 362.³⁷ For the Senate's bill, just passed, was particularly concerned with those responsible for extraordinary arrests, while Bill No. 362 was devoted almost exclusively to the political prisoners themselves. The passage of the Senate's substitute for Stevens's bill did not interrupt proceedings upon the latter measure.

The debate upon House Bill No. 362, which had been taken up by the Senate December 10, 1862, did not become brisk until February. Up to that time it had been conducted in a leisurely fashion through set speeches made at irregular intervals, and presenting the customary arguments.³⁸ It was Trumbull—the man above all who is responsible for the Habeas Corpus Act of 1863—who gave life to the debate, February 19, by offering a substitute amendment to the bill. Trumbull's amendment was largely a recast of the bill, the third section alone undergoing grave alteration. The order of the sections was also changed, the third section of the House bill becoming the first section of the substitute.³⁹ Thus the first section of the substitute dealt with the suspension of the privilege of the writ, while the second and third

³⁶*Globe*, 3d S. 37th Cong. p. 554. Vallandigham had tried on the day of the passage of Stevens's bill "to indemnify the president and other persons" by the House to have the title reflect more obviously upon the legitimacy of Presidential suspension by the addition of the words "and to empower the President to suspend the privilege of the writ of *habeas corpus* throughout the United States." He failed, of course. *Ibid.* pp. 20-21.

³⁷It was really involved in Sherman's eleventh-hour amendment, but the point can best be considered in the last chapter of this essay.

³⁸Field's elaboration of the argument that unless the President can suspend the virtue of suspension is lost, is very clever. *Ibid.* pp. 218-219.

³⁹Text of the substitute amendment, *ibid.* pp. 1090-1091. For Trumbull's categorical statement of the changes he has made, see *ibid.* p. 1092.

sections provided for the liberation of political prisoners under conditions.

The first section of the substitute is the one with which this essay has particularly to do. It provided "That, during the present rebellion, the President of the United States, whenever in his judgment the public safety may require it, is authorized to suspend, by proclamation, the privilege[s] of the writ of *habeas corpus*, in all cases of political offences, throughout the United States, or any part thereof. . . ."

There are important differences between this section and the third section of the House bill. Trumbull, in explaining the differences, summed them up thus: "The House bill limited the suspension until Congress should meet. The substitute I propose authorizes the suspension wherever the President, by proclamation, shall declare the writ suspended, so long as the proclamation continues in force and the rebellion exists."⁴⁰ Another important difference he did not allude to. It is fundamental.

What is the meaning of the words "*Be it enacted . . .* That, during the present rebellion, the President . . . is authorized to suspend . . . ?" The phrasing differs from the outspoken "*And be it further enacted, That . . . the President shall be, and is hereby invested with authority to declare the suspension . . .*" of House Bill No. 591 and from the corresponding "*And be it further enacted, That it is, and shall be lawful for the President . . . to suspend . . .*" of House Bill No. 362. Trumbull, who wrote the clause, said that it meant Congressional authorization: "The substitute I propose authorizes the suspension . . . ;"⁴¹ and that the section might be so interpreted everyone who expressed his views on the point agreed.⁴² And yet, if Trumbull meant the bill to authorize suspension, why did he couch the clause in such unusual language—be it enacted that the President is authorized to suspend? Doolittle—not Trumbull—was the

⁴⁰ *Globe*, 3d S. 37th Cong. p. 1082.

⁴¹ *Ibid.*

⁴² See *ibid.* pp. 1093, 1094, 1158, 1183, 1187, 1204, 1205 for statements of Carlisle, Bayard, Powell, Richardson, Howard, Saulsbury and Collamer, respectively.

first to draw attention to the significance of the phraseology: "Mr. President, the exposition given by my honorable friend from Illinois of this bill is very complete, although there is one suggestion that escaped him which I beg leave to occupy the attention of the Senate long enough to present. It is this: the first section of his substitute is so drawn that it does not assume of itself that the Congress of the United States clothes the Executive with power to suspend the writ. It does not assume to determine whether his authority to suspend the writ in cases of invasion or insurrection is derived from the act of Congress which we now pass, or is derived from the Constitution. . . . It does not assume to say that 'the President is hereby authorized to do it,' and therefore those persons who conscientiously maintain that under the Constitution the President is clothed with power without any legislation of Congress, can vote for this section upon the ground that this section is merely declaratory of a power which inheres in him under the Constitution itself; and those who maintain that it is to be derived from an act of Congress can sustain this section upon the ground that it is an enacting clause which gives him the power."⁴³ Trumbull himself conceded the "double" interpretation: "If ever there was an occasion to suspend the writ of *habeas corpus* in case of rebellion, surely that occasion exists now; and I am for giving that authority, for settling this mooted question, for it exists somewhere, either in the Executive or Congress, one or the other; and those of us who believe that Congress possesses the power can vote for the bill granting it; and those who believe the Executive has it, it seems to me, cannot object to the declaratory act at any rate."⁴⁴ Bayard spoke somewhat sharply of the "avowal of the design to pass a law for the purpose of leaving it so ambiguous that men of different minds may unite in its passage,"⁴⁵ but although the avowal was new, still the chief difference between this clause of the bill and the corresponding clauses of its predecessors was not the ambiguity, but the cleverness, the perfection, so to say, of the

⁴³ *Globe*, 3d S. 37th Cong. p. 1002. See also pp. 1093, 1194.

⁴⁴ *Ibid.* p. 1186.

⁴⁵ *Ibid.* p. 1094.

ambiguity. The designed and confessed ambiguity of the clause is indubitable, and it is impossible to maintain that those who voted for the bill thereby condemned Presidential suspension as illegitimate.⁴⁶

Trumbull's conviction that the "mooted question" should be settled was shared by partisans of Presidential suspension. Howard, for example, who ultimately voted for the bill, said emphatically: "But, sir, if I vote for any measure purporting to give to the President of the United States a modified authority to suspend . . . I shall do so, as the lawyers say, *protestando*. I shall do it under a protest that the President of the United States, upon a fair construction of the Constitution, is already vested by the instrument with full authority to suspend. . . I am anxious to avoid, if we can avoid, the setting of a precedent which shall in the future look even to a divesting of the power of the Executive of this important authority. Still, I may, as I have observed, be induced to yield my opinions for the purpose of conciliation and harmony, and to vote for some measure that may be thought to quiet alarm, however unfounded the alarm may be."⁴⁷ Doolittle's amplification of this last thought is admirable: "Mr. President, my opinion is this: whether the power is derived from the Constitution or derived from the act of Congress to suspend the writ, it is the best policy to have it declared by Congress that the power exists either under the Constitution or under the act of Congress. . . We know very well that the people of the United States are so familiar with these terms, 'be it enacted,' which are used in the passage of laws by their representatives, whom they have chosen, who speak their own voice, who legislate for them, who declare the popular will, which, as our ancestors maintained, is to them the voice of God, that they submit to an enactment,

⁴⁶ This was asserted by Bayard and Saulsbury, for example. *Globe*, 3d S. 37th Cong. pp. 1094, 1204.

⁴⁷ *Ibid.* p. 1187. Cf. George Bancroft's interesting idea of the value of such a precedent, in his letter to Lincoln, February, 1863: "For one, though I think your position perfectly safe without it, I hope Congress will pass some bill, alike for your protection in the present case and for our security, should the nation ever suffer itself to elect a ticket like that of Breckinridge and Lane." Nicolay and Hay, vol. VIII, p. 36, footnote.

passed by their representatives, commencing 'be it enacted,' as the Israelites of old would submit to a 'thus saith the Lord.' But, sir, when a thing is assumed to be done by the order of any one individual, the Secretary of War or the President, their jealousy of despotic power exercised by an individual is such, that although he may be acting within his clear constitutional power, the people, perhaps, are less likely to acquiesce in an order of the War Department or an order of the President than they are to acquiesce in an enactment of Congress."⁴⁸

The propositions embodied in the last two sections of Trumbull's substitute bill were not looked upon with unmixed favor by the majority of the Republicans. There was a feeling that political prisoners might secure their liberation too quickly for the good of the country.⁴⁹ February 23, when the passage of the bill seemed imminent, Collamer intervened and made a strong and determined attack upon the second and third sections: "The first section authorizes the President to suspend the *habeas corpus*: [A little later he employed this phraseology: "You authorize or declare, if you choose to use that word, that the President has the power to suspend the *habeas corpus*"]; which, I take it, if it means anything, means that he may hold persons in prison, in arrest, without being interfered with by any attempt of the courts to set them at liberty. . . . After thus authorizing him to suspend the *habeas corpus*, the second section goes on to provide that the persons who are arrested and imprisoned shall be brought before the courts, and, if not indicted, discharged. The third section provides that they may be brought before a judge at any time after twenty days. . . . This seems to imply that nobody is to be arrested unless they are persons guilty of some crime for which they can be indicted. . . . It seems to me that the second and third sections are utterly inconsistent with the first. The first section authorizes the sus-

⁴⁸ *Globe*, 3d S. 37th Cong. p. 1092.

⁴⁹ This was expressed by Wilson, January 9, 1863, apropos of House Bill No. 362: "I do not know that I have any anxiety to try these prisoners . . . and I want them tried in the manner in which the Government sees fit to do it." *Ibid.* p. 204.

pension of *habeas corpus*, so that the courts and judges cannot relieve the man; the second and third sections provide that they shall relieve the man."⁵⁰ The mantle worn by Howe on a similar occasion in the second session seems now to have rested on Collamer's shoulders.⁵¹

Trumbull used all his skill of argument and persuasion to meet this attack, pointed out that no one could be liberated except on conditions, and asked Collamer if he wanted the writ suspended forever.⁵² Collamer pushed the attack home, and his motion to strike out the last two sections would have succeeded had not the Democrats and Unionists rallied to the assistance of Trumbull. The motion failed by the close vote of 18 to 20. Sixteen of the 18 were Republicans; the other two, Wall and Willey, subsequently voted against the bill. Only nine of the 20 were Republicans.⁵³

The substitute bill, fortified by a number of minor amendments,⁵⁴ was finally passed, February 23, 1863, by a practically party vote of 24 to 13, Hicks, usually an Administration man, being the only non-Republican to vote for it and Lane of Indiana the only Republican to vote against it.⁵⁵ The title of the bill was amended to read, "An act to provide for suspending the privilege of the writ of *habeas corpus*, for the discharge of State prisoners and others, and to authorize taking bail in certain cases."⁵⁶ The bill—House Bill No. 362 as amended by the Senate—was returned to the House February 24.⁵⁷ It did not, however, become the subject of direct action in the House, but was considered only so far as it was em-

⁵⁰ *Globe*, 3d S. 37th Cong. pp. 1205-1206.

⁵¹ See above. p. 243.

⁵² *Globe*, 3d S. 37th Cong. pp. 1206-1207.

⁵³ *Ibid.* p. 1207.

⁵⁴ The chief change in the first section was the elision of "by proclamation." See text of bill as passed, below, pp. 274-277.

⁵⁵ YEAS—Anthony, Chandler, Clark, Doolittle, Fessenden, Foot, Foster, Grimes, Harlan, Harris, Hicks, Howe, King, Lane of Kansas, Morrill, Pomeroy, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Wilmot, and Wilson of Massachusetts.

NAYS—Carille, Henderson, Kennedy, Lane of Indiana, Latham, Powell, Rice, Richardson, Saulsbury, Turple, Wall, Willey, and Wilson of Missouri. *Ibid.* p. 1208.

⁵⁶ *Ibid.* For text of bill see below, pp. 274-277.

⁵⁷ *Ibid.* p. 1249.

bodied in a Committee of Conference bill framed to reconcile the conflicting views of the two chambers upon House Bill No. 591.

The Senate's substitute for Stevens's House Bill No. 591 had been announced to the House January 28, 1863—the day after its passage by the Senate—and was taken from the Speaker's table February 12.⁵⁸ It received a brief and characteristic greeting from Stevens: "I hope that we shall non-concur and refer the matter to a committee of conference."⁵⁹ The measure was debated from time to time in a rambling discussion in which the Democrats did most of the talking and thrashed the old wheatless straw. Stevens closed the debate, February 19, by asking the House to non-concur. The House non-concurred, 114 to 35, and appointed its committee members.⁶⁰ They were Stevens, Bingham and Pendleton. The Senate members of the committee were Trumbull, Collamer and Willey.⁶¹ All save Willey had been prominent in habeas corpus debates.

The report of the Committee of Conference was presented to the House February 27.⁶² After considerable wrangling it was agreed that Saturday evening, February 28, should be given over to general debate and that the vote should be taken Monday, March 2.⁶³ The opportunity to make "campaign" speeches was so tempting that the evening of February 28 passed without any discussion of the bill. March 2, about one o'clock P. M., the report of the Committee of Conference was agreed to, 99 to 44.⁶⁴ The fight was obviously left for the Senate.

Immediately after the reading of the House message announcing the acceptance of the report of the committee Trumbull submitted the report to the Senate.⁶⁵ He explained, not without a trace of disingenuousness, the make-up of the

⁵⁸ *Globe*, 3d S. 37th Cong. pp. 572, 916.

⁵⁹ *Ibid.* p. 916.

⁶⁰ *Ibid.* p. 1107.

⁶¹ *Ibid.* p. 1119.

⁶² *Ibid.* p. 1354.

⁶³ *Ibid.* p. 1359.

⁶⁴ *Ibid.* p. 1479.

⁶⁵ *Ibid.* p. 1485.

Conference bill.⁶⁶ "I will state," he said, in his introductory remarks, "for the information of the Senate, that the report embraces nothing but the subject matter of the bill which passed the House of Representatives [Bill No. 591], and the amendments which passed the Senate."⁶⁷ A comparison of texts shows that the Conference measure was practically a fusion of the Senate's substitutes for House bills 362 and 591.⁶⁸ Sections one, two and three of the Conference bill—the Habeas Corpus Act of March 3, 1863—are almost an exact copy of the three sections of the former, and in the order named;⁶⁹ sections five, six and seven are identical with sections one, three and four of the latter. Section four of the Conference bill differs in phraseology from section two of the Senate's substitute for 591 but its practical effect is much the same.

The report of the Committee of Conference was received by the opposition senators with marked signs of disapproval. They resorted to confessed filibusterism to prevent its acceptance. By this means they delayed action until close to five o'clock A. M. of the last night of the session, and it was only by virtue of what under the circumstances may be called legitimate jockeying—to which the presiding officer, Senator Pomeroy, lent naïve aid—that the majority secured the concurrence of the Senate in the report.⁷⁰ The next morning the opposition senators protested against the tactics used against them and desired to have an opportunity to move to reconsider the vote. Doolittle suggested that the vote on the motion to send to the House for the report should be considered a test one, and therefore asked the yeas and nays.⁷¹

⁶⁶*Globe*, 3d S. 37th Cong. pp. 1436-1437.

⁶⁷*Ibid.* p. 1436.

⁶⁸ See Appendices, below.

⁶⁹ The only change in the first section is the omission of a tautological "or."

⁷⁰ *Globe*, 3d S. 37th Cong. pp. 1460-1477. The tactics employed were clever. After considerable maneuvering around motions of various kinds, Fessenden called for the yeas and nays on a motion to adjourn. The vote was yeas 4, nays 33. Immediately the presiding officer said: "The question is on concurring in the report of the committee of conference. Those in favor of concurring in the report will say 'aye,' those opposed 'no.' The yeas have it. It is a vote. The report is concurred in." Then Trumbull: "I move that the Senate now proceed to the consideration of House bill No. 599."—Protests. *Ibid.* p. 1477.

⁷¹ *Ibid.* pp. 1489-1494.

It would seem that the vote was so regarded. At any rate the alignment of the senators on the vote was what might have been predicted by one familiar with the previous votes on the habeas corpus question. The vote stood 13 to 25.⁷² So the return of the report was not requested. The bill was signed by the President the same day, and bears the title "An Act relating to Habeas Corpus, and regulating Judicial Proceedings in certain cases."⁷³

⁷²YEAS— Bayard, Carlile, Davis, Henderson, Latham, Nesmith, Powell, Rice, Richardson, Saulsbury, Turple, Willey, and Wilson of Missouri.

NAYS— Anthony, Chandler, Clark, Dixon, Doolittle, Foster, Grimes, Harlan, Harris, Hicks, Howard, Howe, King, Lane of Indiana, Lane of Kansas, Morrill, Pomeroy, Sherman, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Wilmot and Wilson of Massachusetts. *Globe*, 3d S. 37th Cong. p. 1494.

⁷³*Ibid.* Appendix, p. 217. For text, see below, pp. 278-283.

CHAPTER V.

CONCLUSIONS.

It is now possible to draw some definite conclusions as to the nature of the precedent made by Congress in the years 1861-1863.

Congress did not, by passing the act of March 3, 1863, declare by implication or otherwise the illegality of Presidential suspension. The authors or sponsors of the bills which were ultimately merged into the act were careful to assert—and the bills themselves bear out the assertion—that the question of the rightfulness of the President's action was not at issue. The first section of the act, in phraseology which is almost unique, although it has been little remarked, enacts "That, during the present rebellion, the President . . . whenever, in *his* judgment, the public safety may require it, is authorized to suspend. . . . And whenever and wherever the said privilege shall be suspended, as aforesaid, no military or other officer shall be compelled . . . to return the body of any person or persons detained by him *by authority of the President*; but upon the certificate, under oath, of the officer . . . that such person is detained by him as a prisoner *under authority of the President*, further proceedings . . . shall be suspended . . . so long as said *suspension by the President* shall remain in force, and said rebellion continue."¹ This phraseology is not accidental; it is the product of a prolonged process of refinement, commencing July 6, 1861, in which the dominating motive was unquestionably a desire not to deny the President's right to suspend. The long acquiescence of Congress in the President's suspension of the privilege of the writ coupled with its formal enactment in the

¹ Italics are not in the original. No reference was made, in any of the debates, to the possible significance of the words "during the present rebellion."

Habeas Corpus Act that the President is authorized to suspend were, in truth, recognition by Congress of the President's right to suspend.²

On the other hand, Congress, in passing the act, asserted its right to take control of the suspension of the privilege of the writ. If the first section was a recognition by Congress of the legality of Presidential suspension, the remainder of the act³ was an assertion of the jurisdiction of Congress over the matter of habeas corpus suspension.⁴ It is not possible to entertain the theory that Congress, by the act, "simply meant to declare what the measure of authority was in the President under the Constitution and independent of the act."⁵ Doolittle told the naked truth when he admitted that, "taking the whole thing together," the act provided for "a modified suspension of the writ of *habeas corpus*."⁶

The action of Congress, the only possible competitor of the President, in recognizing his right to suspend, and in the same act assuming control of the suspension, perplexed some of the champions of the President's exclusive right to suspend. Horace Binney, the most redoubtable of these, said in a letter to a friend: "As to the Habeas Corpus, I will continue to think about it, as I have done. One of my difficulties is that Congress have bed—d the subject by their Act, having first, in new and unusual language for an Act of Congress, asserted or declared the President's right in the strongest and most ex-

² Cf. Secretary Chase's statement of September 15, 1863: "You, Mr. President, have believed that you have the power to suspend the writ of *habeas corpus* without being authorized by Congress, and in some cases have acted on this belief. After much consideration I have come to the conclusion that your opinion and action are sanctioned by the constitution. Whatever doubt there may have been as to your power to suspend the writ, it has been removed by express legislation. The act of 3d March last, approved by you, authorizes you to suspend the writ in any case during the existing rebellion, when in your judgment the public safety may require it." *Warden's Chase*, p. 545.

³ As already shown, the first section itself may be interpreted as authorizing suspension by the President. See above, p. 256. See also below, pp. 266-267, footnote.

⁴ It should be clear to the reader that the evidence presented in this essay is not believed to affect the right, but only the exclusive right, of Congress to suspend. Cf. Dunning, *Essays on the Civil War and Reconstruction*, pp. 42-43.

⁵ Conjectural interpretation of Howe, February 19, 1863. *Globe*, 3d S. 37th Cong., p. 1093.

⁶ *Ibid.* p. 1207. Cf. *ex parte Milligan*, 4 Wallace, p. 4.

plicit terms, and then proceeded to regulate partially his proceedings, as if the power was their own. If I could make an argument to justify this, I should already have tried it.”⁷ In spite of this natural perplexity of a lawyer—a great lawyer—it must be said that the solution of the habeas corpus problem offered by the act of March 3, 1863, was practical and was well-fitted to the exigencies of rebellion or invasion and to the susceptibilities of a self-governing people. It was in accord with President Lincoln’s initial opinion, wherein he had not claimed an exclusive right to suspend;⁸ it satisfied the general plea of Henry Wilson, who had introduced the first habeas corpus measure. In his fiery speech of February 21, 1863, Wilson said: “My judgment tells me that the President of the United States has the power in time of insurrection or rebellion to suspend the writ of *habeas corpus*. The power by the Constitution is confided to the Government, to the President or Congress, or both. If there is no law upon the statute-book, and insurrection or revolution is sweeping over the land, and Congress is not in session, has not the President of the United States, in an hour like that, the power to suspend the writ of *habeas corpus*? If he has not that power, he ought to have it.”⁹ Finally it may be recalled, even at the risk of a *petitio principii*, that this solution satisfied a majority of each House of Congress and received the approval of the President, March 3, 1863.

The importance of the precedent made in 1861–1863 is obvious. It is, from the *de facto* standpoint, the strongest precedent there is. The privilege of the writ of habeas corpus had never been suspended, since the Constitution went into force, until 1861.¹⁰ Constitutional theory and legal precedent

⁷C. C. Binney’s *Binney*, pp. 388–389.

⁸“Now it is insisted that Congress, and not the executive, is vested with this power. But the Constitution is silent as to which or who is to exercise the power, and as the provision was plainly made for a dangerous emergency, it cannot be believed the framers of the instrument intended that in every case the danger should run its course until Congress could be called together, the very assembling of which might be prevented, as was intended in this case, by the rebellion.” See larger extract from the message, above, pp. 221–222.

⁹*Globe*, 3d S. 37th Cong. p. 1164.

¹⁰“The privilege of this great writ had never before been withheld from the citizen.”—The Court, in *ex parte Milligan*, 4 *Wallace*, p. 115.

may find difficulty in fitting this historical precedent into pre-existing categories,¹¹ but theory and legal precedent, however stubborn and entrenched, must sooner or later yield to fact. Even the Supreme Court of the United States could not expect acquiescence in a decision against Congress and the President on the question of the right of the President to exercise a power so vital to the safety of the State as the power to suspend the privilege of the writ of habeas corpus. Taney's Circuit Court decision¹² was powerless against the Executive. The Supreme Court has not been placed in a position which has required it to pass upon the delicate question of the legality of suspension by the President.¹³ But if the Court ever has to pass upon the question, it is reasonable to anticipate that it is likely to attach great weight to the historical precedent of 1861-1863.¹⁴

¹¹ If it were the correct interpretation of the evidence submitted in the first four chapters of this essay that the President, in suspending, merely anticipates Congressional action, in default of which his suspension would be illegal, then the legal difficulties would vanish. In *Brown vs. United States*, 1814, Story said in his dissenting opinion: "I am perfectly satisfied that the position is well-founded, that no subject can legally commit hostilities, or capture property of an enemy, when, either expressly or constructively, the sovereign has prohibited it. But suppose he does, I would ask if the sovereign may not ratify his proceedings; and thus, by a retroactive operation give validity to them? Of this there seems to be no legal doubt." 8 *Cranch*, p. 183. In the *Prize Cases*, 1862, the court quoted this dictum with approval, although with little regard for the sacredness of quotation marks, but at the same time suggested that the legality of such retroactive legislation might be questionable in a criminal case. 2 *Black*, pp. 670, 671. Finally the Court, in 1883, in *Mitchell vs. Clark*, a case which involved the construction of the Habeas Corpus Act, swept aside the doubt expressed in 1862. Here the Court said: "That an act passed after the event, which in effect ratifies what has been done, and declares that no suit shall be sustained against the party acting under color of authority, is valid, so far as Congress could have conferred such authority before, admits of no reasonable doubt. These are ordinary acts of indemnity passed by all governments when the occasion requires it." 110 *U. S.* p. 640. If this doctrine were fully applicable to suspension of habeas corpus by the President then the American practice would be substantially the same as the British has been under Cabinet government, with the grave difference that the American Executive could not be certain of legislative indemnity, if Congress were hostile to him.

¹² *Ex parte Merryman*.

¹³ In *ex parte Milligan*, the *cause célèbre* of 1866, the question was raised and argued by counsel, but the Court refrained from expressing itself upon it, taking it as undisputed that the act of March 3, 1863, gave the President authority to suspend. 4 *Wallace*, pp. 2-142.

¹⁴ It is not believed that the validity of these conclusions (chapter V) is affected by the very perfunctory obedience paid by the executive authorities to the requirements of the Habeas Corpus Act. The President acknowledged the

APPENDIX I.

HABEAS CORPUS BILLS PASSED BY EITHER
HOUSE, 1861-1863.

BILL NO. 362, PASSED BY THE HOUSE, JULY 8, 1862.

An Act to provide for the discharge of State prisoners and others, and to authorize the judges of the United States courts to take bail or recognizance to secure the trial of the same.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State and the Secretary of War be, and they are hereby, directed forthwith or as soon as practicable to furnish to the judges of the circuit and district courts of the United States and of the District of Columbia a list of the names of all persons, citizens of States in which the administration of

obligation of the act by approving it, and his Secretary of War, Stanton, by order of March 23, 1863, directed Judge-Advocate-General Holt to see that the provisions of the act were observed. 121 *War Records*, p. 255. Holt construed the act most narrowly, and only once between March, 1863 and February, 1865—in the spring of 1863—did he furnish to the courts the lists required by the act. 118 *War Records*, pp. 765-766; 121 *War Records*, pp. 255-257. February 18, 1865, Stanton officially reported to the Senate that he had "no knowledge or information of any other persons held as state or political prisoners of the United States by order or authority of the President of the United States or of the Secretary of State, or of the Secretary of War, in any fort, arsenal, or other place, since the date of the report of the Judge-Advocate-General" [June 9, 1863]. This is an astounding statement. September 15, 1863, President Lincoln and the other departmental heads were, according to Secretary Chase, unfamiliar with the terms of the act. Warden's *Chase*, p. 546. The President's suspending proclamation of September 24, 1863, recites the act of March 3, 1863, but not in a way which proves that the President relied upon it as his authority to suspend. Lincoln's *Works*, vol. II, pp. 406-407. The same is true of the suspending proclamation of July 5, 1864. *Ibid*, pp. 541-543. Cf. Lincoln's letter to M. Birchard and others, June 26, 1863. *Ibid*, p. 361. Some political prisoners who sought release under the provisions of

the laws has continued unimpaired in the said Federal courts, who are now, or may hereafter be held, as prisoners of the United States in any fort, arsenal, or other place, as State or political prisoners, or otherwise than as prisoners of war; the said list to contain the names of all such who reside in the respective jurisdictions of said judges, or who may be deemed by the said Secretaries, or either of them, to have violated any law of the United States in any of said jurisdictions, and also the date of each arrest. And in all cases where a grand jury having attended said courts, or either of them having jurisdiction in the premises, since the arrest of said persons, has terminated its session without finding an indictment, or presentment, or other proceeding against such persons, and in cases hereinafter provided for, it shall be the duty of said judges forthwith to order the discharge of such prisoner from said imprisonment, and every officer of the United States having custody of such prisoner is hereby directed immediately to obey and execute said judge's order, and in case he shall delay or refuse so to do, he shall be subject to indictment for a misdemeanor, and be punished by a fine of not less than \$500, and imprisonment in the common jail for a period not less than six months, in the discretion of the court.

SEC. 2. *And be it further enacted*, That in case any of such prisoners shall be under indictment or presentment for any off-

the act were spirited away from the jurisdiction of the court. Appleton's *American Annual Cyclopædia*, 1864, pp. 450, 453; 1865, p. 414. In 1865, the President twice refused to obey the requirements of the second section of the act, and forbade the officers having the custody of the prisoners to surrender them to the court [Supreme Court of the District of Columbia]. The President endorsed on the writ of habeas corpus sued out by one of them: "The within named John Dugan was arrested on and is imprisoned by my authority. This writ of *habeas corpus* is suspended, and the officer having Dugan in custody is directed not to produce his body, but to hold him in custody until further order, giving this order on your return to the Court." The writ for the other, C. V. Hogan, was similarly endorsed. In both cases the court held that the President's constitutional authority to suspend was not restricted by the act—that the act was virtually null. 6 *D. C.* pp. 181-148; McPherson: *History of the Rebellion*, p. 562. No detailed investigation of executive violations of the act has been attempted, but the Congressional debates of 1864-1865 leave little doubt as to the conclusions which such an investigation would compel. They reveal sharp and sweeping condemnations of the executive authorities for their disregard of the act, made not only by political enemies of the Administration, but by such warm friends as Lyman Trumbull, Henry Winter Davis, Reverdy Johnson and J. A. Garfield. See *Globe*, 2d S. 38th Cong. pp. 63, 73 ff., 189, 255-257., 318-320, 784, 1323-1333 and 1872-1880.

ense against the laws of the United States, and by existing laws bail or a recognizance may be taken for the appearance for trial of such person, it shall be the duty of said judges at once to discharge such person upon bail or recognizance for trial as aforesaid. And in case the said Secretaries of State and War shall for any reason refuse or omit to furnish the said list within five days from and after the passage of this act, any citizen may, by a petition alleging the facts aforesaid touching any of the persons so as aforesaid imprisoned, supported by the oath of such petitioner or any other credible person, obtain and be entitled to have the said judge's order to discharge such prisoner: *Provided, however,* That the said judge shall be satisfied such allegations are true, and shall also, in all cases included in this bill, or if the public safety shall require it, have power and be required to take a recognizance or bail from such prisoner to keep the peace and be of good behavior toward the United States, and also to appear before the proper court, if he shall deem the same necessary after due examination of the case. And it shall be the duty of the district attorney of the United States to attend at such examination by said judge.

SEC. 3. *And be it further enacted,* That it is, and shall be lawful for the President of the United States, whenever, in his judgment by reason of "rebellion or invasion the public safety may require it," to suspend, by proclamation, the privilege of the writ of *habeas corpus* throughout the United States or in any part thereof, and whenever the said writ shall be suspended as aforesaid, it shall be unlawful for any of the judges of the several courts of the United States, or of any State, to allow said writ, anything in this or any other act to the contrary notwithstanding.¹

BILL NO. 591, PASSED BY THE HOUSE, DECEMBER 8, 1862.

An Act to indemnify the President and other persons for suspending the privilege of the writ of Habeas Corpus, and acts done in pursuance thereof.

Text is given above, p. 248.

¹ *Globe*, 2d S. 37th Cong. pp. 3105-3106.

SENATE SUBSTITUTE FOR BILL NO. 591, PASSED BY THE SENATE,
JANUARY 27, 1863.

An Act to regulate Judicial Proceedings in certain cases therein mentioned.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any suit or prosecution, civil or criminal, has been or shall be commenced in any State court against any officer, civil or military, or against any other person, for any arrest or imprisonment made or other trespasses or wrongs done or committed, or any act omitted to be done, at any time during the present rebellion, by virtue or under color of any authority derived from or exercised by or under the President of the United States, or any act of Congress, and the defendant shall, at the time of entering his appearance in such court, or if such appearance shall have been entered before the passage of this act, then at the next session of the court in which such suit or prosecution is pending, file a petition stating the facts and verified by affidavit for the removal of the cause for trial at the next circuit court of the United States, to be holden in the district where the suit is pending, and offer good and sufficient surety for his filing in such court, on the first day of its session, copies of such process and other proceedings against him, and also for his appearing in such court and entering special bail in the cause, if special bail was originally required therein, it shall then be the duty of the State court to accept the surety and proceed no further in the cause or prosecution, and the bail that shall have been originally taken shall be discharged. And such copies being filed as aforesaid in such court of the United States, the cause shall proceed therein in the same manner as if it had been brought in said court by original process, whatever may be the amount in dispute or the damages claimed, or whatever the citizenship of the parties, any former law to the contrary notwithstanding. And any attachment of the goods or estate of the defendant by the original process shall hold the goods or estate so at-

tached to answer the final judgment in the same manner as by the laws of such State they would have been holden to answer final judgment had it been rendered in the court in which the suit or prosecution was commenced. And it shall be lawful in any such action or prosecution which may be now pending, or hereafter commenced, before any State court whatever, for any cause aforesaid, after final judgment, for either party to remove and transfer, by appeal, such case during the session or term of said court at which the same shall have taken place, from such court to the next circuit court of the United States, to be held in the district in which such appeal shall be taken, in manner aforesaid. And it shall be the duty of the person taking such appeal to produce and file in the said circuit court attested copies of the process, proceedings, and judgment in such cause; and it shall also be competent for either party, within six months after the rendition of a judgment in any such cause, by writ of error or other process, to remove the same to the circuit court of the United States of that district in which such judgment shall have been rendered; and the said circuit court shall thereupon proceed to try and determine the facts and the law in such action, in the same manner as if the same had been there originally commenced, the judgment in such case notwithstanding. And any bail which may have been taken, or property attached, shall be holden on the final judgment of the said circuit court in such action, in the same manner as if no such removal and transfer had been made, as aforesaid. And the State court from which any such action, civil or criminal, may be removed and transferred as aforesaid, upon the parties giving good and sufficient security for the prosecution thereof, shall allow the same to be removed and transferred, and proceed no further in the case: *Provided, however,* That if the party aforesaid shall fail duly to enter the removal and transfer, as aforesaid, in the circuit court of the United States, agreeably to this act, the State court by which judgment shall have been rendered, and from which the transfer and removal shall have been made, as aforesaid, shall be authorized, on motion for that purpose, to issue execution, and to carry into effect any such judgment, the same as if no such removal and transfer had been made:

And provided, also, That no such appeal or writ of error shall be allowed in any criminal action or prosecution where final judgment shall have been rendered in favor of the defendant or respondent by the State court. And in any action or prosecution against any person, as aforesaid, it shall be lawful for such person to plead the general issue, and give this act and any special matter in evidence. And if in any suit hereafter commenced the plaintiff is nonsuited or judgment pass against him, the defendant shall recover double costs.

SEC. 2. *And be it further enacted,* That if it shall appear upon the trial of any action provided for and mentioned in the first section of this act that there was probable cause for the arrest, imprisonment, or other act complained of, or that in making such arrest or imprisonment, or committing such act, the defendant acted in good faith, under the authority or order of the President of the United States, or under an act of Congress, then, and in every such case, the foregoing facts, or either of them, shall constitute a full and complete defence to the action; and it shall be the duty of the court trying the cause so to instruct the jury, and that their finding must be accordingly.

SEC. 3. *And be it further enacted,* That any suit or prosecution described in the first section of this act, in which final judgment may be rendered in the circuit court, may be carried by writ of error to the Supreme Court, whatever may be the amount of said judgment.

SEC. 4. *And be it further enacted,* That no suit or prosecution, civil or criminal, shall be maintained for any arrest or imprisonment made, or other trespasses or wrongs done or committed, or act omitted to be done, at any time during the present rebellion, by virtue or under color of any authority derived from or exercised by or under the President of the United States, or by or under any act of Congress, unless the same shall have been commenced within two years next after such arrest, imprisonment, trespass, or wrong may have been done or committed: *Provided,* That in no case shall the limitation herein provided commence to run until the passage of this act, so that no party shall, by virtue of

this act, be debarred of his remedy by suit or prosecution until two years from and after the passage of this act.

SEC. 5. *And be it further enacted*, That any person not in the military or naval service, and not subject to the rules and articles of war, who shall be arrested in any State or district wherein the ordinary process of the courts of the United States is not obstructed, for aiding the present rebellion, or for obstructing the execution of any law or military order, shall be discharged from such arrest, unless, within thirty days after such arrest, the charges against such person shall be reduced to writing and filed in the office of the clerk of the district court of the United States in the district in which such person is arrested. And it shall be the duty of the judge of said court, upon the application of such person, to examine into the cause of such arrest; and, upon hearing of such application, such judge may discharge such person, hold him to bail, or dismiss his application, as, in the opinion of such judge, the public safety may require.¹

SENATE SUBSTITUTE FOR BILL NO. 362, PASSED BY THE SENATE,
FEBRUARY 23, 1863.

An Act to provide for suspending the privilege of the writ of Habeas Corpus, for the discharge of State prisoners and others, and to authorize taking bail in certain cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, during the present rebellion, the President of the United States, whenever in his judgment the public safety may require it, is authorized to suspend the privilege of the writ of *habeas corpus* in any case, or throughout the United States or any part thereof. And whenever and wherever the said privilege shall be suspended, as aforesaid, no military or other officer shall be compelled, in answer to any writ of *habeas corpus*, to return the body of any person or persons detained by him by authority of the President; but upon the certificate, under oath, of the officer having charge of any one so detained, that

¹ *Globe*, 3d S. 37th Cong. pp. 554, 1056-1057.

such person is detained by him as a prisoner under authority of the President, further proceedings under the writ of *habeas corpus* shall be suspended by the judge or court having issued the said writ so long as said suspension by the President shall remain in force and said rebellion continue.

SEC. 2. *And be it further enacted*, That the Secretary of State and the Secretary of War be, and they are hereby, directed, as soon as may be practicable, to furnish to the judges of the circuit and district courts of the United States and of the District of Columbia a list of the names of all persons, citizens of States in which the administration of the laws has continued unimpaired in the said Federal courts, who are now, or may hereafter be, held as prisoners of the United States, by order or authority of the President of the United States or either of said Secretaries, in any fort, arsenal, or other place, as State or political prisoners, or otherwise than as prisoners of war; the said list to contain the names of all such who reside in the respective jurisdictions of said judges, or who may be deemed by the said Secretaries, or either of them, to have violated any law of the United States in any of said jurisdictions, and also the date of each arrest—the Secretary of State to furnish a list of such persons as are imprisoned by the order or authority of the President, acting through the State Department, and the Secretary of War a list of such as are imprisoned by the order or authority of the President, acting through the Department of War. And in all cases where a grand jury, having attended any of said courts having jurisdiction in the premises, after the passage of this act, and after the furnishing of said list, as aforesaid, has terminated its session without finding an indictment, or presentment, or other proceeding against any such person, it shall be the duty of the judge of said court forthwith to make an order that any such prisoner desiring a discharge from said imprisonment be brought before him to be discharged; and every officer of the United States having custody of such prisoner is hereby directed immediately to obey and execute said judge's order; and in case he shall delay or refuse so to do, he shall be subject to indictment for a misdemeanor, and be punished by a fine of not less than \$500, and imprisonment in the common

jail for a period not less than six months, in the discretion of the court: *Provided, however,* That no person shall be discharged by virtue of the provisions of this act until after he or she shall have taken an oath of allegiance to the Government of the United States, and to support the Constitution thereof; and that he [or she] will not hereafter in any way encourage or give aid and comfort to the present rebellion or supporters thereof: *And provided, also,* That the judge or court before whom such person may be brought, before discharging him or her from imprisonment, shall have power, on examination of the case, and, if the public safety shall require it, shall be required, to cause him or her to enter into recognizance, with or without surety, in a sum to be fixed by said judge or court, to keep the peace and be of good behavior towards the United States and its citizens, and from time to time, and at such times as such judge or court may direct, appear before said judge or court to be further dealt with, according to law, as the circumstances may require. And it shall be the duty of the district attorney of the United States to attend said examination before the judge.

SEC. 3. *And be it further enacted,* That in case any of such prisoners shall be under indictment or presentment for any offense against the laws of the United States, and by existing laws bail or a recognizance may be taken for the appearance for trial of such person, it shall be the duty of said judge at once to discharge such person upon bail or recognizance for trial as aforesaid. And in case the said Secretaries of State and War shall for any reason refuse or omit to furnish the said list of persons held as prisoners as aforesaid at the time of the passage of this act within twenty days hereafter, and of such persons as thereafter may be arrested within twenty days from the time of the arrest, any citizen may, after a grand jury shall have terminated its session without having found an indictment or presentment, as provided in the second section, by a petition alleging the facts aforesaid touching any of the persons so as aforesaid imprisoned, supported by the oath of such petitioner or any other credible person, obtain and be entitled to have the said judge's order to discharge

such prisoner on the same terms and conditions prescribed in the second section of this act: *Provided, however,* That the said judge shall be satisfied such allegations are true: *Provided,* That this act shall continue and be in force until the 1st of March, 1864, and no longer.¹

¹*Globe*, 3d S. 37th Cong. pp. 1205-1208.

APPENDIX II.

THE HABEAS CORPUS ACT OF MARCH 3, 1863.

An Act relating to Habeas Corpus, and regulating Judicial Proceedings in Certain Cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, during the present rebellion, the President of the United States, whenever, in his judgment, the public safety may require it, is authorized to suspend the privilege of the writ of habeas corpus in any case throughout the United States, or any part thereof. And whenever and wherever the said privilege shall be suspended, as aforesaid, no military or other officer shall be compelled, in answer to any writ of habeas corpus, to return the body of any person or persons detained by him by authority of the President; but upon the certificate, under oath, of the officer having charge of any one so detained that such person is detained by him as a prisoner under authority of the President, further proceedings under the writ of habeas corpus shall be suspended by the judge or court having issued the said writ, so long as said suspension by the President shall remain in force, and said rebellion continue.

SEC. 2. *And be it further enacted, That the Secretary of State and the Secretary of War be, and they are hereby, directed, as soon as may be practicable, to furnish to the judges of the circuit and district courts of the United States and of the District of Columbia a list of the names of all persons, citizens of states in which the administration of the laws has continued unimpaired in the said Federal courts, who are now, or may hereafter be, held as prisoners of the United States, by order or authority of the President of the United*

States or either of said Secretaries, in any fort, arsenal, or other place, as state or political prisoners, or otherwise than as prisoners of war; the said list to contain the names of all those who reside in the respective jurisdictions of said judges, or who may be deemed by the said Secretaries, or either of them, to have violated any law of the United States in any of said jurisdictions, and also the date of each arrest; the Secretary of State to furnish a list of such persons as are imprisoned by the order or authority of the President, acting through the State Department, and the Secretary of War a list of such as are imprisoned by the order or authority of the President, acting through the Department of War. And in all cases where a grand jury, having attended any of said courts having jurisdiction in the premises, after the passage of this act, and after the furnishing of said list, as aforesaid, has terminated its session without finding an indictment or presentment, or other proceeding against any such person, it shall be the duty of the judge of said court forthwith to make an order that any such prisoner desiring a discharge from said imprisonment be brought before him to be discharged; and every officer of the United States having custody of such prisoner is hereby directed immediately to obey and execute said judge's order; and in case he shall delay or refuse so to do, he shall be subject to indictment for a misdemeanor, and be punished by a fine of not less than five hundred dollars and imprisonment in the common jail for a period not less than six months, in the discretion of the court: *Provided, however,* That no person shall be discharged by virtue of the provisions of this act until after he or she shall have taken an oath of allegiance to the Government of the United States, and to support the Constitution thereof; and that he or she will not hereafter in any way encourage or give aid and comfort to the present rebellion, or the supporters thereof: *And provided, also,* That the judge or court before whom such person may be brought, before discharging him or her from imprisonment, shall have power, on examination of the case, and, if the public safety shall require it, shall be required to cause him or her to enter into recognizance, with or without surety, in a sum to be fixed by said judge or court, to keep the peace and

be of good behavior towards the United States and its citizens, and from time to time, and at such times as such judge or court may direct, appear before said judge or court to be further dealt with, according to law, as the circumstances may require. And it shall be the duty of the district attorney of the United States to attend such examination before the judge.

SEC. 3. *And be it further enacted*, That in case any of such prisoners shall be under indictment or presentment for any offence against the laws of the United States, and by existing laws bail or a recognizance may be taken for the appearance for trial of such person, it shall be the duty of said judge at once to discharge such person upon bail or recognizance for trial as aforesaid. And in case the said Secretaries of State and War shall for any reason refuse or omit to furnish the said list of persons held as prisoners as aforesaid at the time of the passage of this act within twenty days thereafter, and of such persons as hereafter may be arrested within twenty days from the time of the arrest, any citizen may, after a grand jury shall have terminated its session without finding an indictment or presentment, as provided in the second section of this act, by a petition alleging the facts aforesaid touching any of the persons so as aforesaid imprisoned, supported by the oath of such petitioner or any other credible person, obtain and be entitled to have the said judge's order to discharge such prisoner on the same terms and conditions prescribed in the second section of this act: *Provided, however*, That the judge shall be satisfied such allegations are true.

SEC. 4. *And be it further enacted*, That any order of the President, or under his authority, made at any time during the existence of the present rebellion, shall be a defence in all courts to any action or prosecution, civil or criminal, pending, or to be commenced, for any search, seizure, arrest, or imprisonment, made, done, or committed, or acts omitted to be done, under and by virtue of such order, or under color of any law of Congress, and such defence may be made by special plea, or under the general issue.

SEC. 5. *And be it further enacted*, That if any suit or prosecution, civil or criminal, has been or shall be commenced in

any state court against any officer, civil or military, or against any other person, for any arrest or imprisonment made, or other trespasses or wrongs done or committed, or any act omitted to be done, at any time during the present rebellion, by virtue or under color of any authority derived from or exercised by or under the President of the United States, or any act of Congress, and the defendant shall, at the time of entering his appearance in such court, or if such appearance shall have been entered before the passage of this act, then at the next session of the court in which such suit or prosecution is pending, file a petition, stating the facts and verified by affidavit, for the removal of the cause for trial at the next circuit court of the United States, to be holden in the district where the suit is pending, and offer good and sufficient surety for his filing in such court, on the first day of its session, copies of such process and other proceedings against him, and also for his appearing in such court and entering special bail in the cause, if special bail was originally required therein. It shall then be the duty of the state court to accept the surety and proceed no further in the cause or prosecution, and the bail that shall have been originally taken shall be discharged. And such copies being filed as aforesaid in such court of the United States, the cause shall proceed therein in the same manner as if it had been brought in said court by original process, whatever may be the amount in dispute or the damages claimed, or whatever the citizenship of the parties, any former law to the contrary notwithstanding. And any attachment of the goods or estate of the defendant by the original process shall hold the goods or estate so attached to answer the final judgment in the same manner as by the laws of such state they would have been holden to answer final judgment had it been rendered in the court in which the suit or prosecution was commenced. And it shall be lawful in any such action or prosecution which may be now pending, or hereafter commenced, before any state court whatever, for any cause aforesaid, after final judgment, for either party to remove and transfer, by appeal, such case during the session or term of said court at which the same shall have taken place, from such court to the next circuit

court of the United States to be held in the district in which such appeal shall be taken, in manner aforesaid. And it shall be the duty of the person taking such appeal to produce and file in the said circuit court attested copies of the process, proceedings, and judgment in such cause; and it shall also be competent for either party, within six months after the rendition of a judgment in any such cause, by writ of error or other process, to remove the same to the circuit court of the United States of that district in which such judgment shall have been rendered; and the said circuit court shall thereupon proceed to try and determine the facts and the law in such action, in the same manner as if the same had been there originally commenced, the judgment in such case notwithstanding. And any bail which may have been taken, or property attached, shall be holden on the final judgment of the said circuit court in such action, in the same manner as if no such removal and transfer had been made, as aforesaid. And the state court, from which any such action, civil or criminal, may be removed and transferred as aforesaid, upon the parties giving good and sufficient security for the prosecution thereof, shall allow the same to be removed and transferred, and proceed no further in the case: *Provided, however,* That if the party aforesaid shall fail duly to enter the removal and transfer, as aforesaid, in the circuit court of the United States, agreeably to this act, the state court, by which judgment shall have been rendered, and from which the transfer and removal shall have been made, as aforesaid, shall be authorized, on motion for that purpose, to issue execution, and to carry into effect any such judgment, the same as if no such removal and transfer had been made. *And provided also,* That no such appeal or writ of error shall be allowed in any criminal action or prosecution where final judgment shall have been rendered in favor of the defendant or respondent by the state court. And if in any suit hereafter commenced the plaintiff is nonsuited or judgment pass against him, the defendant shall recover double costs.

SEC. 6. *And be it further enacted,* That any suit or prosecution described in this act, in which final judgment may be rendered in the circuit court, may be carried by writ of error

to the Supreme Court, whatever may be the amount of said judgment.

SEC. 7. *And be it further enacted*, That no suit or prosecution, civil or criminal, shall be maintained for any arrest or imprisonment made, or other trespasses or wrongs done or committed, or act omitted to be done, at any time during the present rebellion, by virtue or under color of any authority derived from or exercised by or under the President of the United States, or by or under any act of Congress, unless the same shall have been commenced within two years next after such arrest, imprisonment, trespass, or wrong may have been done or committed or act may have been omitted to be done: *Provided*, That in no case shall the limitation herein provided commence to run until the passage of this act, so that no party shall, by virtue of this act, be debarred of his remedy by suit or prosecution until two years from and after the passage of this act.¹

¹ *Public Laws of the United States of America*, 8d S. 37th Cong. pp. 755-758.

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THE SETTLEMENT OF ILLINOIS FROM 1830 TO 1850

BY

WILLIAM VIPOND POOLEY

A THESIS SUBMITTED FOR THE DEGREE OF DOCTOR OF PHILOSOPHY
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THE SETTLEMENT OF ILLINOIS FROM 1830 TO 1850

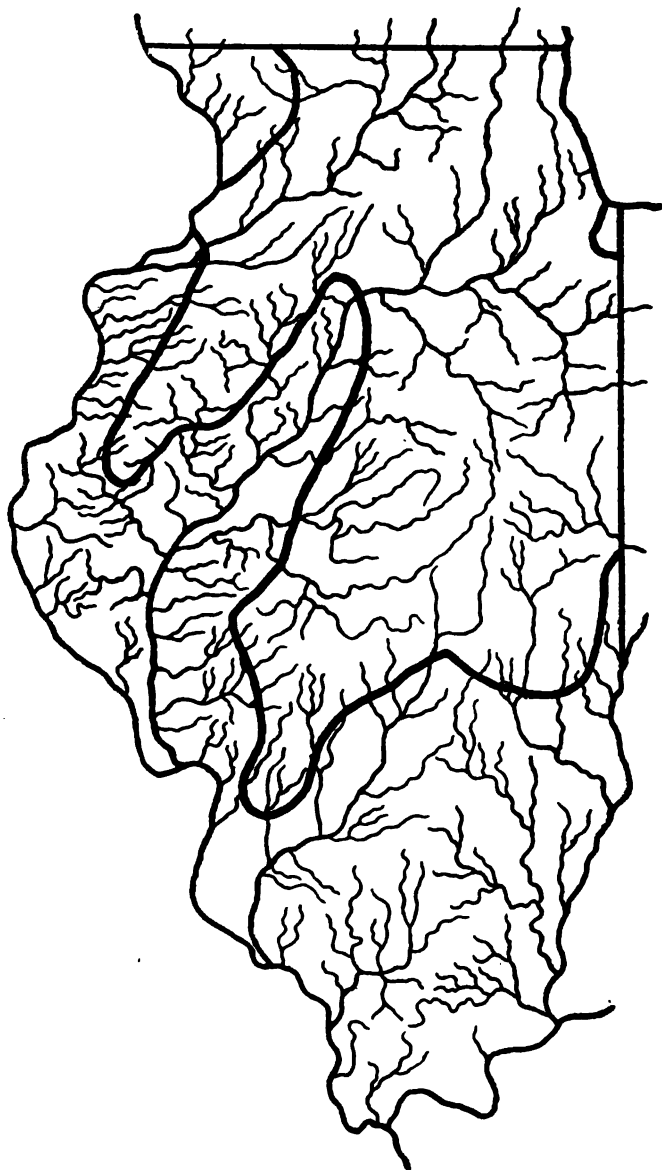
CHAPTER I

INTRODUCTION

The state of Illinois offers a unique opportunity for the study of the westward movement and of the influences determining the character and location of settlement. Owing to its size, its favorable location, the routes by which it can be reached, its varied physiographic divisions, its abundance of internal waterways, its numerous stretches of woodland, its extensive prairies and the time taken for the frontier line to cross the state we may well expect to find within its limits a varied population.

The settlement of the state may be divided into four clearly defined periods, viz: (1) the period of the French occupation; (2) from the coming of the Americans to the opening of steam navigation on the Great Lakes; (3) from the opening of steam navigation on the Great Lakes to the opening of the railroads across the prairies; (4) after the opening of the railroads.

This investigation deals with the third period of settlement (approximately from 1831 to 1850) which itself is conveniently divided into four periods somewhat less clearly defined than the general divisions already noted. First of these minor divisions is the period extending to the Black Hawk War; this serves as an introductory period for the greater development soon to follow. Second is the period of speculation and rapid settlement which extends to the collapse of the internal improvement system in the state. It is difficult to fix a date for the



THE PRAIRIES AND WOODLANDS OF ILLINOIS

North and east of the heavy line is prairie country, less than 20 per cent. woodland. South and west of the heavy line is woodland, over 20 per cent. (Goode, *The Geography of Illinois*, 7.)

close of this period since the effects of the fall of financial credit were not felt as quickly in some parts of the state as in others. The date falls between 1837 and 1840. The third period extends to 1845 and is one of depression. The last period, which follows 1845, is marked by a revival of confidence in the financial condition of the state and a gradual increase in the stream of immigration. In this period is felt the influence of the proposed railroads. In a general way it is characterized by solid and substantial growth in wealth and population.

Previous to 1830 the natural order of progression had been observed in the movement of settlement to the West. The hunter-pioneers of Kentucky and Tennessee had firmly established themselves in the southern woodlands of Illinois and had begun to send out new pioneers who traveled up the great internal waterway of the state, the Illinois river, or passed over into the Military Tract and followed the wooded banks of the Mississippi northward to the lead mines. These pioneers had become a permanent part of the state's population but as yet had not ventured away from the woodlands. They were content to cultivate their little clearings in the timber until succeeded by the small farmer, who, in turn, was succeeded by a third class, the more substantial farmer in search of a permanent location. The prairies were still unknown and the social organization of the South was waiting for some means by which the difficulties accompanying the subjugation of the prairies could be overcome.

The new force came too late to aid the earliest class of settlers, for events operated in such a way as to act as a check upon the expansion of the hunter-pioneer. In 1832 the Black Hawk War broke out, driving the out-posts of settlement backward into the stronger southern communities and before a recovery of lost ground could be effected a more powerful check was administered to the expansion of settlement from the southern part of the state. It was a new force in the westward movement and by means of it the natural order of succession of classes was overturned and the class of substantial farmers was first upon the prairies of northern Illinois. The opening of

steam navigation upon the lakes, therefore, introduced a new class of pioneers into the westward movement. They were not in possession of a fund of experience gleaned from pioneer ancestors who for generations had battled with the hardships and problems of the frontier. They were simple farmers who were placed upon land already partly cleared by nature for occupation; but the clearing had been done on such a grand scale that the abundance of riches caused trouble in the attempt to make use of them. With these prairie settlers the discussion is chiefly concerned and 1830 is taken as the starting point.

The influence of lines of transportation coupled with the influence exerted by the prairies of northern and eastern Illinois has operated to change the character of the western pioneers. As the route of the Ohio and the southern wagon roads gave character to the settlements in the South, so the northern route was to give character to the settlement of the northern counties and, owing to the increased rapidity of communication and the increased volume of immigration, the effect, if anything, was to be more marked.

A dovetailing process had gone on in the central part of the state where the men from the Middle States and New England elbowed their way in between the timber tracts of the South, while the southern man chopped his way northward, through the timber along the rivers, until he had reached Woodford, Marshall and Putnam counties. Here the characteristics are not so marked.

A comparison of those of the northern and southern ends of the state will, however, bring out clearly the distinction. Instead of a gradual settlement by successive classes in the North, as there had been in the South where the hunter and backwoodsman with his rifle and hunting knife slowly moved onward before the increasing tide of civilization, combatting the savages and wild beasts, we see another development. The pioneer was rapidly transported from his native state to the West by the aid of steam and his conquest of the new country was effected with like rapidity. Instead of the rifle and hunting knife he brought his oxen and his farming implements. Nor was this all; the merchant, the artisan, the school master

and the preacher came also. The foundations of civilization were laid rapidly and creation rather than growth seems to have been the order of things. The savages having left, the pioneer had a free hand and the spread of settlement went on with corresponding celerity. Churches and school houses sprang up, together with comfortable dwellings, for the log-cabin age did not last long on the prairies.

Physical characteristics, too, have had an enormous effect upon the location of population. Along the streams lay the timber and to the timber went the early settlers both from north and south, for they knew little of the prairies. In the valleys of the larger rivers the lowlands were at first not occupied owing to floods and general unhealthfulness; in the districts near the head waters of the rivers, the valleys were not so low; neither did the rivers tend to overflow for such extended periods. Consequently we see the settlements closer to the streams, although still seeking, when possible, the elevated portions of land near at hand. It is also true that on the more level expanses of the state, away from the large rivers, the timber was first occupied. When the next influx of settlers came an additional layer of settlement was formed around the timber lands and removed from them by the space of a mile or so.

For years one of the greatest problems of the settlers was to find markets. The navigable streams were the highways of communication and here and there along them were towns of considerable prosperity, owing to the fact that the surrounding agricultural regions poured in yearly crops of produce to be shipped down the streams to more advantageous markets. Moreover, it was to these towns that the farmers were obliged to come to obtain their supplies from the eastern cities and by means of the traffic to and fro, the towns gained in prosperity. Few, indeed, and small were the inland towns for the reason that they afforded no markets. To the lack of markets, then, can be traced the internal improvement excitement which struck the state in 1836. Cost of transportation from Galena around by way of the Mississippi and the Ohio to the East was excessively high and it was too far to cart such a heavy product as lead across the state to a lake port. The southern farmers like-

wise were obliged to cart to a river port; those of central Illinois looked to Chicago for a market, often going one hundred or one hundred and fifty miles with farm produce at the cost of much time. Internal improvements were meeting with success in other parts of the land, so it was natural that they should be attempted in Illinois where markets were in great demand.

The succeeding periods show like development and it is highly probable that little by little the prairies would have been assimilated, but it would have been a slow process, owing to the difficulties of transportation and of finding markets. When 1850 came, the northern part of the state presented a peculiar bird's eye view—strips of comparatively closely settled country stretched away in every direction, indicating the timber tracts, while between them was the unoccupied prairie. Here lay the work for the railroads and these, by practically annihilating distances, created markets by bringing the producer and the consumer together, gave the settler something to cling to when he swung clear of the timber; in short, gave him the key to the prairie.

Exceptions are, of course, to be found to the general laws controlling the settlement of the prairies, but they are not frequent enough to overthrow these laws which seem to be the basis of the occupation of northern and eastern Illinois.

The object of this discussion is to show the progress of settlement on the Illinois prairies, paying special attention to the influence of physiographic conditions, to lines of communication and to the change which took place so abruptly in the character of the pioneer class of the West, and to show the differences existing between the pioneer of the woodlands and the pioneer of the prairielands. Causes for the settlement are to be noted, as well as such settlements as appear to be exceptional in character and illustrative of some peculiar phase of the westward expansion.

CHAPTER II

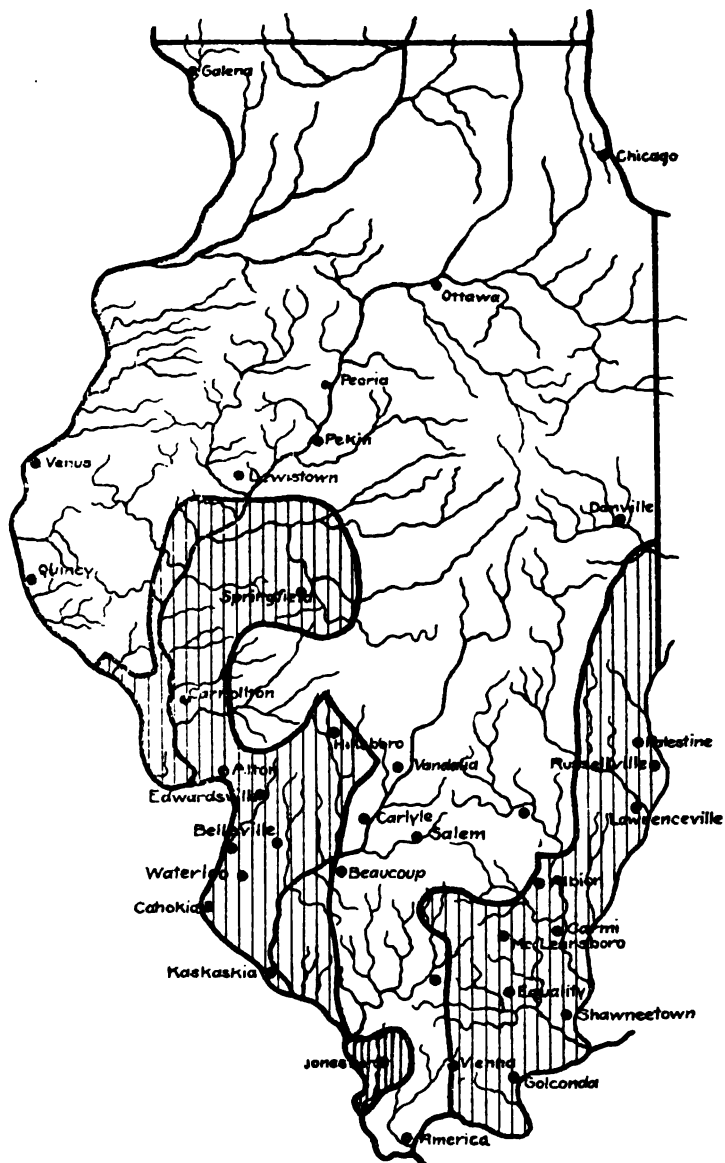
ILLINOIS BEFORE 1830

For many years subsequent to the Revolution, Illinois attracted but little attention. The legislature of Virginia, however, in 1778 organized a county to which it gave the name now borne by the state and appointed for this newly organized county a magistrate called a Lieutenant Governor. It came under the control of the confederation when ceded in 1784 by Virginia.

Although for years Kentucky and Tennessee had afforded homes for pioneers who had found their way over the mountains to the western world, Illinois and the Northwest seemed to offer few inducements. After visiting the territory northwest of the Ohio, preparatory to its organization into the Northwest Territory, Monroe wrote to Jefferson in a tone which showed that he had as yet no comprehension of the future greatness of this seemingly desolate country. "A great part of the territory is," he said, "miserably poor especially that near Lakes Michigan and Erie, and that upon the Mississippi and the Illinois consists of extensive plains which have not had from appearances, and will not have, a single bush on them for ages. The districts, therefore, within which these fall will never contain a sufficient number of inhabitants to entitle them to membership in the confederacy."¹

For a time it seemed that Monroe had spoken truthfully for, as yet, the railroads, the steamboats and the farming implements which were to be of service in the settlement of the great prairies were unknown. Changes, however, soon began to take

¹ Monroe, *Writings*, 1, 117.



ILLINOIS IN 1830

Shaded portion shows location of settlement: six or more per square mile; by counties.

place. The soldiers of George Rogers Clark carried with them to the East tales of a wonderfully fertile and well-watered land and soon the familiar story of pioneer life was re-enacted in the river valleys of Illinois. The descendants of the frontiersmen who had chopped the first trails across the Alleghanies and who first wandered through the lonely western wilderness and built the small stockaded hamlets of Kentucky and Tennessee, impelled by the same restlessness which carried their fathers toward the West now moved across the Ohio to continue the struggle with wild nature and the wilder redmen, for possession of the territory which today constitutes the state of Illinois.

The scene of earliest settlement in Illinois was the great American Bottom. The settlers were the French who acted as a connecting link between the French of Canada and the Great Lakes and those of the lower Mississippi. The American Bottom, so called to distinguish it from the Spanish possessions across the river, was an extremely fertile tract of land extending from the mouth of the Kaskaskia to the mouth of the Illinois and containing about six hundred square miles.² The French settlements extended along this bottom from Kaskaskia to Cahokia more than fifty miles, and back a few miles from the Mississippi. By 1800 the French creoles in these settlements numbered about 1,200.³

Several generations had flourished here happily under the mild sway of French officials—the military commandant and the priest—who ruled the people with an uncontrolled but parental authority. Separated from all the world these people acquired many peculiarities in language, dress, manners and customs. Many of their original traits were lost but still many of the leading characteristics of the nation were retained. The people were kind-hearted, hospitable and social but rivalled the Indians themselves for ignorance and laziness. A fruitful country made agriculture profitable when carried on, but the great amount of game within easy reach tended to make the young Frenchman follow the life of a hunter rather than that of a

² Brown, *Western Gazetteer and Emigrants' Guide* (1817), 20.

³ Reynold, *Illinois*, 19.

farmer.⁴ In mechanic arts no progress had been made; the old wooden plows used in the early days still served the needs of this unprogressive people.

The dress and homes of this quiet people were equally simple. Coarse blue cotton clothes, deer skin moccasins for their feet, blue handkerchiefs for their heads were worn by both sexes. In cold weather the skins of animals replaced the cotton clothing. Log houses, a single story high, with puncheon floors and thatched roofs were their abodes. The furniture was designed for usefulness rather than ornament.⁵

Around the village was a large tract known as the common field. Most of this was allowed to remain in open pasturage but parts were cultivated by those who chose to enclose them. Occupancy gave a title to land but all reverted to the community when occupation ceased.

So the Americans found them, a people of simple habits, unambitious and submissive, unoppressed by taxes or political grievances, recognizing a single church and under the leadership of the village priest who was their guide, friend and philosopher.

By 1781 the earliest American settlements had been made in the American Bottom. In 1800 there were three hundred and fifty families settled here, most of the men having been soldiers of George Rogers Clark during his campaigns against Vincennes and Kaskaskia. Two colonies of Virginians had come in 1786 and 1793 settling at New Design and in the surrounding country forming the nucleus of the American settlements.⁶ Other settlers came from the various eastern states.⁷ In all the population of the state numbered 2,000 in 1800.⁸

During the first decade of the new century population increased rapidly,⁹ but the greater part was still in the American

⁴ Hall, *Sketches* (1835), 1, 148.

⁵ *Magazine of Western History*, 10, 562.

⁶ Settlements were made at Horse Prairie, Whiteside Station and Bellefontaine in Monroe county and at Turkey Hill in St. Clair county.

⁷ There were settlers from Virginia, Kentucky, Maryland, Tennessee, New York, New Jersey, Pennsylvania and New England.

⁸ Reynolds, *Illinois*, 19.

⁹ The census of 1810 states population as 12,284; Reynolds, *Illinois*, 19, gives population as 2,000 in 1800.

Bottom although the frontier line was gradually moving towards the interior of the state.¹⁰ Across the territory in the Saline district a center of settlement had begun to form. In 1803 the salt springs had been purchased from the Indians and leased by the government to Captain Bell, a Kentuckian.¹¹ Shawneetown, the center of the district, soon began to give evidence of becoming a town of some importance especially as a commercial center. It was on the Ohio river, the great highway for traffic and travel to the West and even at this early date "great fleets of keel-boats concentrated at this point engaged in salt and other traffic."¹² Indian treaties during the decade opened up millions of acres of Illinois land for settlement but in spite of this fact the settlements still clung to the Ohio and Mississippi rivers.¹³

From the formation of Illinois territory in 1809 until the close of the War of 1812, the settlements were engaged in a struggle for existence. Many were abandoned during the war, on account of Indian troubles. In the years immediately following 1810 the Chippewas, Kickapoos and Pottowatomies committed so many murders and thefts that Gov. Edwards raised a military force to suppress the disturbers. One expedition destroyed a French village at Peoria which had been the headquarters of a band of savages who ravaged the country.

Reports of the unhealthfulness of the new country, of Indian outrages, of earthquakes, and the insecurity of land titles all operated to retard the flow of settlers from the eastern states. Owing to the fact that Illinois had, at different times, been under French, British, Virginian and Federal rule, land titles were often conflicting. A commission appointed in 1804 labored for ten years to adjust these titles previous to the opening of the land sale at Kaskaskia in 1814. The pre-emption act of 1813 did much to secure the pioneers in their possessions.¹⁴

¹⁰ Ridge Farm, Goschen, Wood River, Silver Creek, and Shoal Creek were the new settlements.

¹¹ Moses, *Illinois*, 1, 285.

¹² Reynolds, *Illinois*, 63.

¹³ The treaties of Ft. Wayne (1803): Vincennes (1803): St. Louis (1804) and the second treaty of Vincennes (1804) opened 28,000,000 acres of Illinois land to settlement.

¹⁴ Davidson and Stuvé, *Illinois*, 291.

With the passage of this act and with the cessation of Indian raids after the close of the War of 1812 a new epoch in the settlement of the state began. The settlers acquired confidence, land rose in demand and in value.¹⁵ New Englanders and foreigners came in greater numbers than ever before. The close of the European wars had ruined the lucrative commerce of New England and thrown many out of employment, some of whom found their way to Illinois.

The great highway of travel was the Ohio river. A writer of the time says "there is scarce a day except when the river is impeded with ice but what there is a greater or less number of boats to be seen floating down its gentle current to some place of destination. No less than five hundred families stopped at Cincinnati at one time, many of them having come a great distance."¹⁶ From Kentucky and Tennessee groups of pioneers still came seeking the extreme frontier.

Others came from the South Atlantic states. Cotton culture had, through the invention of the gin and through the prevailing high prices, become exceedingly profitable. The plantations were increasing in size and numbers and the introduction of the industry into the uplands tended to crowd out the small farmer since his more wealthy neighbor could offer prices for land which practically compelled him to sell. Some who moved went to the Gulf States; others wishing to avoid the competition of slave labor turned to the northwest, and it became a familiar sight to people along the roads of western travel to see the old southern wagons covered with white sheeting and loaded with an enormous quantity of beds, buckets, old-fashioned chairs and such household furniture as was usually owned by our log-cabin ancestors, slowly rattling along their way to the West.

On the eastern side of the territory the district of the Embarras was still the northern limit of settlement although there were a few settlers as far north as Edgar county. Crawford county with Palestine as a center of settlement had 2,100 settlers at the time of the admission of the state.¹⁷ Russellville

¹⁵ Brown, *Western Gazetteer and Emigrants' Directory* (1817), 33.

¹⁶ Harding, *Tour through the Western Country*, 5.

¹⁷ *History of Crawford and Clark counties*, 108.

in the county next to the south was the center of population. Directly to the west of Wabash county was the English settlement of Albion in Edwards county. This settlement, begun by Birkbeck and Flower, was one of the most important ones in Illinois.¹⁸ Gallatin county with Shawneetown as its chief settlement was the most populous county on the eastern side of the territory, having in 1818 about 3,200 settlers.¹⁹ Thirty or forty of these families resided in Shawneetown. A bank and a land office helped to make this village a decidedly important one. America with a population of several hundred was the chief southern town,²⁰ Cairo had a "local habitation and a name" having as yet not fulfilled the expectations of its founders.

On the western side of the territory the pioneers grouped their settlements into three divisions, those settlements around the Big Muddy river, those along the Kaskaskia and those north of this last named district extending as far as Peoria. Of these the settlements along the Big Muddy were the weakest for the people moved very slowly towards the center of the state.

The old Kaskaskia district was still the most populous one in the territory.²¹ Settlements had been made along the Kaskaskia and its tributaries for a considerable distance towards the interior. Kaskaskia, the seat of the territorial government, had a large floating population but the increase of permanent settlers was not large. There were in the town in 1815 between seven and ten hundred people.²² Belleville, Cahokia, and Prairie du Long were the other important settlements of this part of the state.²³ In the interior there were few settlers.²⁴

In the district above Kaskaskia, Edwardsville, the county town of Madison county, had sixty or seventy houses, a courthouse, a jail, a bank, a land office and a newspaper.²⁵ Alton

¹⁸ Davison and Stuvé, *Illinois*, 349.

¹⁹ Dana, *Sketches of Western Country* (1819), 153.

²⁰ *History of Alexander, Union and Pulaski counties*, 449.

²¹ Estimated at 11,842 (Dana, *Sketches of the Western Country* (1819), 153).

²² Edwards, *Illinois*, 254.

²³ Cahokia had a population of between five hundred (Moses, *Illinois*, 1, 267) and one thousand (*Life of Gurdon S. Hubbard*, 47).

²⁴ Bond county had only forty settlers in 1818 (*History of Bond and Montgomery counties*, 181). The Washington county settlements were at Covington, Beau-coup and Carlyle.

²⁵ Dana, *Sketches of the Western Country* (1819), 143.

had one hundred houses, the owners of many of these being people from the eastern states and in comfortable circumstances.²⁶ The other settlements were smaller.²⁷ In all the population of Madison county was estimated at from 4,000 to 5,500.²⁸

Beyond the frontiers already mentioned (the line of the Ohio and Wabash, the immediate vicinity of the Big Muddy and of the Kaskaskia and in Madison county) little settlement was to be found in the territory. The Kickapoos, a warlike Indian tribe, held undisputed possession of central Illinois and continued to do so until the Treaty of Edwardsville was signed in 1819.²⁹ A few venturesome Kentuckians and Tennesseans, together with some from the older settlements on the western side of Illinois had, however, pushed into the Sangamon country before the Indian title had been extinguished. These were the only settlers of the region.

Far to the north in the lead region the first permanent white settlers were beginning to locate on Fever river. Likewise a few were at Ft. Dearborn which had been rebuilt in 1816. The Military Tract, although laid off, was as yet entirely unoccupied.

The population of the territory when it began to seek admission into the Union was 30,000. Since 40,000 was necessary for admission it devolved upon the census takers to make up the deficiency. One very effective plan was to station the enumerators on the largest thoroughfares so they might be able to count explorers, movers and settlers. As a result more than one family of ten people grew to three or four times that number when finally placed in the census books.³⁰

Varied indeed was the population as the following quotation shows. "The early settlement of Clinton county will illustrate the heterogeneous nativity of early immigrants. Before 1820

²⁶ *Ibid.*, 142.

²⁷ Mound Plaira and Milton were the other settlements. The latter had fifty houses (*History of Madison County*, 83).

²⁸ In the *History of Madison County* (130) the population of the county is given as 4,000; Dana, *Sketches* (1819) 153, gives an estimate of 5,500.

²⁹ Henderson, *Early History of Sangamon County*, 7.

³⁰ Brown, *Early Illinois*, 82, in *Fergus Historical Series 2*.

there was a little group from Ohio; another from England, and several representatives from Virginia, Pennsylvania, North Carolina, Georgia, Kentucky, Tennessee and one man from the Isle of Wight."³¹ It is true that the pioneers from the Southwest exceeded the others in numbers but foreigners, people from the Middle Atlantic states and New Englanders were far from being unknown in any of the regions. The Ohio river was the means of directing these settlers to southern Illinois and adding the northern element to the preponderating southern stream which had come by way of the wagon roads.

Fifteen counties had been organized but altogether they formed but one-fourth of the territory and were by no means thickly settled. A line drawn from Alton, on the Mississippi, through Carlyle to Palestine on the Wabash would mark the northern extremity of settlement, but by no means does it mark the settled portion of the territory.³² The pioneers clung closely to the great river systems, making their clearings and erecting their cabins along the banks of these streams.

Within the boundary stated were prairies of considerable size, some of them being three days journey across.³³ The settlers, as yet, had not ventured upon them, believing them entirely unfit for settlement. Palestine, Palmyra, Carmi, Shawneetown, Golconda and Albion were the population centers of eastern Illinois at the time of its admission. On the west Jonesboro, Brownsville, Kaskaskia, Harrisonville, Belleville, Cahokia, Edwardsville and Alton were of greatest importance. In the interior, Perrysville and Covington were the centers. Of these Kaskaskia, the seat of government and Shawneetown were the best known and thither as a rule the early pioneers came and from these points made explorations for the purpose of finding suitable places to settle.

The year 1824 marks a turning point in the growth of the state. By the ordinance of 1787 slavery had been forbidden in the Northwest Territory, but it nevertheless existed in some portions of Illinois. A considerable number of the settlers of

³¹ *History of Marion and Clinton counties*, 54.

³² Davidson and Stuvé, *Illinois*, 302.

³³ Breese, *Early History of Illinois*, preface 3.

the state being southerners who favored the institution, an attempt was made in the early twenties to call a convention to revise the state constitution in such a manner as to make slavery lawful.³⁴ The defeat of the plan came in 1824 and from that time dates an increase in immigration. Growth now went on more rapidly and when 1830 came the fifteen counties of 1818 had grown to twenty-six and the population was 157,445³⁵ instead of the scanty 40,000 required for admission.

New settlements continued to spring up and the older ones to increase in size.³⁶ America, Greenville, Mayville, Frankfort, Equality, McLeansboro, Vienna, Lawrenceville, Salem, Waterloo, Pinckneyville, Jonesboro, Fairfield and Vandalia each grew to some importance before 1830,³⁷ the last named one being made the capital city of the state in 1819.³⁸ These towns were in the immediate vicinity of the rivers and often in the timber lining the banks.

Albion was an exception to the rule, however, having no water communication close at hand. Faux, who was not entirely friendly, describes the village in 1820 as having but "one house and ten or twelve log cabins, full of degenerating English mechanics, too idle to work" who passed their time eating, drinking, brawling and fighting. The streets were almost impassable owing to stumps and roots of trees protruding and puddles of dirty water standing before the doors of the cabins.³⁹ The town by 1830 had grown considerably, mechanics of every description were here and a hotel, a smithy and some stores had taken the place of the cabins.⁴⁰

Shawneetown had grown from a town of three or four houses to a town of sixty houses and three hundred inhabitants in

³⁴ Harris, *Negro Servitude in Illinois*, 27-49.

³⁵ *Eleventh Census* (1890), 14.

³⁶ In 1819 some Shakers established a settlement in Lawrence county on the Embarras river. Frederick Ernst, a German of wealth and education, founded a German settlement at Vandalia in 1819 (Reynolds, *Illinois*, 183). Scattered settlements were made along the Little Vermillion, the pioneers being generally engaged in salt making.

³⁷ *The National Calendar*, (1830).

³⁸ *History of Fayette County*, 12.

³⁹ Faux, *Memorable Days in America*, 269; Smith, C. W., *A Contribution toward a Biography of Morris Birkbeck and the English Settlement in Edwards County, Illinois* in *Transactions of the Illinois State Historical Society*, (1905), Fordham, E. P., *Personal Narratives*. (Ogg, F. A. Editor).

⁴⁰ Stuart, *Three Years in North America*, 2, 237.

1826.⁴¹ It was still, at the close of the decade 1821 to 1830, the chief town of the eastern side of the state and the landing place of a great portion of the immigrants coming by way of the Ohio.⁴² Cairo made no headway and in 1826 was still a village with only a tavern and a store.⁴³

The villages of southern Illinois at this period were but frontier settlements containing from one to two hundred inhabitants and many not more than twenty or thirty.⁴⁴ The rivers were the connecting links between the settlements and the chief lines of communication with the outside world. Roads, too, were opened up between the chief centers of settlement. From Vincennes, Shawneetown, Golconda and America roads went across the state to St. Louis and Kaskaskia. Throughout the timbered tracts the settlers were scattered, forming ribbons of settlement from the two great rivers on the south and west of the state; but few indeed ventured further. Even as late as 1830 the Indians came back to hunt within the limits of settlement and fear of them retarded the advancement of the frontier.

Although southern Illinois was as yet not thickly settled, it had begun to throw out lines of pioneers towards the north. The eastern portion of the state close to the rivers was well taken up, as was the western part, but between the two lay the unoccupied portion. Rather than risk the attempt to settle and cultivate the prairies, the new settlers preferred to go farther towards the frontier. It was a simple and natural force which impelled them. The fathers and grandfathers of these men from Kentucky and Tennessee had battled with nature in the woodlands of the Southwest; the pioneers themselves had grown to manhood surrounded by the woodlands, they were, in the settlement of Illinois, merely putting into operation the results of the experiences of two or three generations of pioneers. To them the prairies offered insurmountable obstacles with which they felt it was useless to cope. When the

⁴¹ *History of Gallatin, Saine, Hamilton, Franklin and Williamson Counties*, 95.

⁴² *Edwards, History of Illinois*, 359.

⁴³ *The Americans as They Are*, 78.

⁴⁴ *Patterson, Early Society in Southern Illinois*, 109, in *Fergus Historical Series*, 2, 14.

timberland of southern Illinois was all claimed, the stream of men from the old settlements slowly urged their oxen northward through the settled portions to the new country which at that time was rapidly gaining in fame. Here in this Sangamon country the hunter-pioneer found an ideal land and here we find the re-enactment of the scenes of the first settlement of the extreme southern portion of the state.

The fertile land of central Illinois, south of the Sangamon river, was well watered and also well timbered. A few settlers had found their way here before the Kickapoo title had been extinguished by the Treaty of Edwardsville in 1819, but it was not until the decade 1821 to 1830 that the true settlement took place. It was with a certain degree of confidence that the settlers took possession of the new land, for they were comparatively close to the strong settlements north of the Kaskaskia river and thus in touch with the rest of the state.

Here a sort of experimentation began. Between the tracts of timber land were inviting stretches of prairie upon which, owing to the proximity to the timber, the sod was not so tough nor the grass so long as it was on the large prairies. The transition from woodsman to prairie cultivator on a small scale was here made easy. The cabin, as before, was built at the edge of the timber, if water was convenient, and a portion of the prairie was fenced. The friendly timber gave shelter from the excessive heat of summer as well as from the cold prairie winds of winter; and moreover it furnished a refuge for stock in summer when the open prairie was infested by myriads of horse-flies. The open prairie saved the pioneer an enormous amount of labor generally necessary to make his clearing and he soon found that crops grew as well or even better here than on cleared land. Success was then assured in the subjugation of the prairies, providing they were very small ones, where every man could, figuratively speaking, keep his back to the timber and his attention on the prairie.

It must not, however, be understood that the settlers went immediately to such places where they were able to take advantage of both prairie and woodland, for settlement clung closely to the woods of the Illinois river and its tributaries for several years.

Two hundred families were in the Sangamon country prior to 1820 and of these, sixty were grouped on Macoupin, Apple, and Otter creeks, within thirty miles of the Illinois river.⁴⁵ Cass, Morgan and Scott counties, lying immediately between the Sangamon and Illinois rivers, had only twenty families in 1820.⁴⁶ Farther east along the Sangamon were a few scattered families and others had ventured across the river to Macon county by 1827.

The question of slavery in Illinois having been settled in 1824, immigration set in with renewed vigor, reaching its greatest development in 1827 and in 1828.⁴⁷ The settlers came in groups of five or ten families although it was no uncommon sight to see one hundred wagons in a single company going to the Sangamon country.⁴⁸ Steam navigation had begun on the Illinois river in 1828 and by connecting the frontier with the older settlements strengthened the former to such a degree that from these younger settlements a new migration soon began to take place. The extension took place rapidly and by 1830 the timber lands of the Sangamon were densely enough populated to warrant the erection of six new counties.⁴⁹ The population of this Sangamon country in 1830 was 42,385.⁵⁰ Of these twenty-eight were slaves.⁵¹

Springfield, at first called Calhoun, was established in 1819.⁵² Although it was perhaps the most important town in this part of the state in 1830 and had between six and eight hundred settlers, it was still characterized as "a straggling village."⁵³ Jacksonville in Morgan county was about the same size, and the other settlements were of less importance.⁵⁴

⁴⁵ Dana, *Sketches of the Western Country*, 144.

⁴⁶ *History of Cass County*, 18.

⁴⁷ *History of Macon County*, 84.

⁴⁸ Perrin, *History of Jefferson County*, 124.

⁴⁹ Greene, Morgan, Macoupin, Montgomery, Macon and Shelby.

⁵⁰ *Eleventh Census*, (1890) 15.

⁵¹ *Niles' Register*, 43, 35.

⁵² Barber and Howe, *History of the Western States*, 1072.

⁵³ Stuart, *Three Years in North America*, 2, 216-224.

⁵⁴ Carrollton, in Greene County, was begun in 1818 (*History of Greene County*, 328); Hillsboro, in Montgomery County, settled in 1817 or 1818 (*History of Bond and Montgomery Counties*, 215); Decatur, in Macon County, was settled in the early twenties, (*History of Macon County*, 81); Shelbyville, in Shelby County, was settled in 1825 (*History of Shelby and Moultrie Counties*, 42).

The Military Tract which comprised all the territory between the Illinois and Mississippi rivers as far north as Rock Island county, had been allotted by the Federal government to the veterans of the war of 1812.⁶⁶ Few of the original grantees deemed the land of sufficient value to repay the labor of settling and cultivating and consequently but a small proportion took advantage of the opportunity afforded for obtaining farms. Those who lived close to the region, however, were awake to the value of the land, and many settled upon it as "squatters" without any valid title save that of occupation. To make improvements under the existing circumstances was a venture which led to doubtful returns. Often, indeed, when the pioneer had succeeded in making his clearing, building his cabin and perhaps breaking a little plot of prairie land, the holder of the original patent would appear upon the scene and oust him. So frequent was this procedure that it soon became a profitable business for a certain class of men to obtain these squatters' claims by means of forged patents and it gave rise to much trouble.

The process of settlement in this part of the state was identical with that of the portions already studied. The two great rivers served as connecting lines with the older settlements of the South and along the tributaries we find the first settlers establishing themselves. Peoria, the oldest town in this part of the state had been deserted in the closing years of the eighteenth century. In 1813 Ft. Clark had been built and in 1819 the first permanent settlers came to Peoria.⁶⁶ In 1825 the county was organized and had at the time a population of 1,236⁶⁷ which included all the settlers of the northern part of the state.

The counties at the southern end of the Tract (Calhoun and Pike) are broken and hilly near the rivers. Gilead in Calhoun county and Atlas in Pike county both situated in the timber within convenient distance from the river but away from the unhealthy bottoms were the only villages in 1830. Along the creeks of Schuyler and Brown counties, Kentuckians, Virgin-

⁶⁶ *History of Fulton county*, 191.

⁶⁶ *History of Peoria county*, 273-274.

⁶⁷ Ballance, *Peoria*, 45.

ians, Pennsylvanians, Carolinians and Tennesseans settled beside men from Indiana, Ohio, Missouri and Illinois. Lewiston and Canton in Fulton county completed the list of settlements of importance on the eastern side of the Tract.

Adams county was the most populous district on the Mississippi river north of the mouth of the Illinois and Quincy was the largest settlement.⁵⁸ Venus in Hancock county was the only other settlement of note in 1830. Few settlers had gone to the interior.⁵⁹

In all there were about 13,000 people in the Military Tract in 1830⁶⁰ and by far the greater percentage were close to the great rivers forming the boundaries of the district. In character the population was the same as that of the Sangamon country, for the settlements along the Illinois river were only outgrowths of the older Sangamon settlements. The Kentuckians and Tennesseans appeared frequently as in southern Illinois taking possession of the timberlands and leading a half-hunter, half-farmer life. New Englanders and men from the Middle States, however, were much more numerous than in other parts of the state.

At the lead mines in the extreme northwestern part of Illinois an exceptional settlement had already begun to form. Lead had been found years before in the hilly region near the Mississippi and after 1818 a steady stream of adventurers flowed here. Southerners came in great numbers owing to the convenient line of communication. By 1830 there were over 2,000 settlers at the Illinois mines and many more at the Wisconsin and Iowa mines.⁶¹

The primary object of this settlement was not to find suitable farming lands well-supplied with timber and water. It was to

⁵⁸ In 1825 there were forty votes cast at a county election (*History of Adams county*, 262); in 1830 the population was 2,186. (*Eleventh Census* [1890] 14); the population of Quincy was estimated at two hundred in 1830 (Asbury, *Quincy*, 41).

⁵⁹ Warren, Mercer, Henderson, Knox and Bureau counties had a combined population of less than six hundred and fifty. (*Eleventh Census* [1890] 14.)

⁶⁰ *Ibid.*

⁶¹ *Ibid.*

take advantage of the mineral deposits. Timber and water were found in abundance, and also an excellent line of transportation but these things were of secondary importance and had the mines been found on the open prairie it is highly probable that the settlement would have sprung up as rapidly as it did under the existing conditions.

Chicago as yet showed no signs of its coming greatness. Lake navigation by steam had not yet begun, nor had the settlers of Illinois approached near enough to Lake Michigan to look to Chicago for a market or a supply depot. The population of the little village did not number more than one hundred.⁶³

The population of the entire state in 1830 numbered 157,500 people.⁶³ The population map for 1830 shows a nicely rounded line of settlement which leads an unquestioning observer to believe that the advance of the frontier took place with mathematical precision. Closer study will reveal a different state of affairs. Along the Ohio river and its numerous tributaries on the eastern side of the state was a comparatively densely settled area. Between the projecting ribbons of settlement which lined the streams were the prairies as yet hardly occupied. The same is true of the western side of the state along the Mississippi. The Illinois river furnished the road to central and northern Illinois.⁶⁴

The pioneer of the Illinois frontier was still of the hunter type. He was primarily a woodsman who had come to the new country with his rifle, axe and hunting knife prepared to attack the problem of the frontier in the same way his ancestors had attacked it in Kentucky and Tennessee generations before. He changed little before 1830, for his cautious contact with the small prairies of the South gave him little real capital with which to attack the broader expanses of the North. Practically shut off from the prairie, he followed the woodlands until the outbreak of the Black Hawk War in 1832, which date marks

⁶³ *Chicago Tribune*, April 12, 1875.

⁶⁴ *Eleventh Census*, (1890) 14.

⁶⁵ The census maps use the county as the unit, and therefore exhibit as settled many areas really vacant.

the beginning of a sudden and sharp transition in pioneer characteristics. Before 1832 the settlement of the state was only a continuation of pioneer days in the older states. Now a new problem confronted the tide of pioneers who were crossing the continent. On the wide treeless expanses of eastern and northern Illinois were to be solved the problems which gave rise to a new class of frontiersmen—the prairie pioneers.

CHAPTER III

CAUSES FOR THE SETTLEMENT OF ILLINOIS

The Americans as a people are prone to migrate. From the earliest date at which the settlements scattered along the shores of the Atlantic ocean were able to push their limits one mile up the rivers towards the back country the gradual movement to the West has appropriated the land step by step until the entire expanse from coast to coast has been brought under the direct control of the race.

The census of 1850 shows that of 17,737,000 free inhabitants in the United States at that date over 4,100,000 or twenty three per cent. had migrated from the states of their birth.¹

A general law concerning the order of classes seems to have been followed in this movement of settlement to the West, especially before transportation by steam lent its enormous influence towards the development of the great West. First came the hunter-pioneer; next, the small farmer who drove the hunter farther toward the frontier and who himself gave way in time to the third class of settlers, the larger farmers whose aim was to improve the land, erect homes and become the permanent occupants of the country.

The causes leading to this movement towards the West are of two classes; general causes affecting the entire nation, and special causes affecting localities at various times and in varying degrees. The general causes may be grouped under three heads: the restless spirit pervading all classes, the systems of internal improvements developed during the period, and the financial causes.

¹ *Abstract of the Seventh Census*, (1850) 15.

The restless spirit which ever aimed towards expansion and economic betterment is the great one among the general causes; its growth was the result of a combination of local causes and of general causes which operated constantly throughout the period. Dissatisfaction with existing conditions was prevalent among all classes. Moreover, it was believed that these conditions could be improved in the new country where land was cheap and fertile and could be acquired and turned into fruitful farms with a reasonable effort upon the part of the settler.

There were in every community, citizens who had lost their credit and of necessity needed new homes. In the woodlands these people became solitary pioneers who felt most at ease when "twenty miles from law and calomel" and who breathed easiest when the nearest neighbors were ten miles away. The farm laborers who, dissatisfied with the existing scale of wages in the older communities and understanding the science of agriculture well enough to manage and work farms of their own, moved to the frontier, took up government lands and laid the foundations of new settlements beyond the limits of civilization. These became the small farmers who moved along in the wake of the hunter-pioneers.

To a considerable degree the farmers in the West were influenced by comparative land values. The available lands in the East were mostly cultivated and brought high prices. The small farmer had not the means with which to buy out his neighbor should the latter desire to sell. In the West vast stretches of land were offered for sale by the government at low prices and consequently there was a desire among the eastern farmers to take advantage of the opportunity offered and by disposing of their small but high priced farms to those able and willing to buy, they could take up larger and more fertile farms in the western country.

In earlier years the history of public lands is that of large companies. Later, by successive changes in the administration of such lands the prices and quantities were placed within the reach of the smaller purchaser. When in 1820 the price was reduced to a dollar and a quarter per acre and land was sold in lots as small as eighty acres, the incentive for the migration

westward was increased. The effect is seen when we notice the Foote resolution introduced into the House in December, 1829, asking that an inquiry be made concerning the advisability of the rapid sale of the public lands. The significance of this lies in the fact that the rapid sale of public lands at low prices was draining the East of its laboring class and acting as a detriment to the industrial enterprises which the eastern men were at that time attempting to foster.

Again in 1834 when the question of ceding the public lands to the states in which they were situated was reported upon by Henry Clay, the committee stated that it was not of the opinion that the cession should take place, or the price of land be reduced, giving among other reasons that such a procedure would operate as a bounty to increase emigration from the older states, lessening the value of the eastern lands and draining them of currency and population.²

To intensify the feeling of restlessness and dissatisfaction already existing, another influence was brought to bear on those who remained at home, by the people who had dared the privations of the frontier. Letters from successful pioneers painted, in bright colors, the wonderful opportunities of the West; companies, formed with the idea of taking up land and speculating in it, sent hundreds of thousands of circulars to the East, worded in such a way that their readers felt that the time for the rapid accumulation of wealth was at hand, and thousands hastened to take advantage of the golden opportunities. Newspapers, in some regions, aided in the work, pointing out the advantages to be derived by farmers, and especially laboring men with a small amount of capital, should they but move to the West.³ Moreover, the effect of western competition in agricultural products was pointed out and it was shown that before the lapse of any great period of time the rapidly growing West would undersell the East in its own market.

Rivalry among the great eastern cities for western trade gave a cause for migration. The internal improvement systems developed by the efforts of the various states in the attempt to

² *Senate Documents*, 328, 23 Congress, 1 Sess., 24.

³ *Buffalo Commercial Advertiser*, Mar. 24, 1846.

benefit their cities afforded, when completed, an easy access to the West. The dissatisfied settlers, who hitherto had needed only some such stimulant to start him to the new country now took advantage of the opportunity presented by a comparatively easy journey westward. Others who were making a comfortable living on their farms decided to remain at home but the new lines of communication influenced these people in another way. The West was growing and its farms produced ever increasing amounts of grain. Home markets could not consume the supply, so the products were turned eastward through these lines of communication and brought into competition with the produce of the eastern farm. Prices fell and the man who had remained at home could no longer make his comfortable living and was compelled either to lower his standard of comfort or to move to the West where it could be maintained.

If a system of roads produced a noticeable effect upon the volume of migration westward, the introduction of steam navigation had a still more marked influence. The inconveniences of travel were diminished and the cost of transportation decreased by the steamboats of the Ohio river and the Great Lakes which soon became the means of travel of an ever-increasing number of immigrants. The importance of steam navigation in aiding in the development of the West may be best illustrated by a quotation. "Of all the elements of prosperity of the West—of all the causes of its rapid increase in population, its growth in wealth, resources and the improvement of its immense commerce and gigantic energies, the most efficient has been the navigation by steam."⁴

Third in the list of general causes was the financial depression which swept over the country in the closing years of the decade 1831-1840.⁵ The panic can be attributed to no one thing. Prominent among the causes was over-speculation. Suddenly the people of the East saw that there were fortunes to be made in western lands and no sooner was the discovery

⁴ *Memorial of the People of Cincinnati* (1844), 28.

⁵ See, Bourne, *The Distribution of the Surplus*; Dewey, *Financial History*, Ch. X; Schurz, *Henry Clay*, 2., Ch. XIX; Scott, *Repudiation of State Debts*; Shephard, *Martin Van Buren*, Ch. VIII.

made than the price of town lots, either real or imaginary, went up to enormous prices. "Wherever the surveyor took the magic chain and compass—no matter how remote from population—there it became certain that a mighty city would, at no distant day, arise."⁶ Walls of buildings in the various cities were covered with maps of towns that were still miles in the woods or feet under water. Hundreds of acres of land which were valued at prices ranging from one hundred to one thousand dollars have not yet reached the value at which they were sold and resold during these months of frenzied speculation.

Farmers, traders and capitalists were, however, not the only classes to become involved in the general upheaval during the closing years of the thirties. As a result of the increase of speculation there was a movement among the laboring class, and a general demand for an increase of wages, to correspond with the increase in prices. To attain this end, combined efforts on the part of laboring men were necessary and a tendency towards the federation of labor became distinctly marked. Trade unions were formed, and before 1840, ship carpenters, joiners, house carpenters, painters, roofers, brick-layers, tailors, hatters, harness-makers, shoe-makers, masons, factory operatives, and others had organized unions.⁷

The upward movement of prices was such that the average cost of a workman's living was twenty-one per cent. greater in July, 1835 than it was in April, 1834 and sixty-four per cent. greater in October, 1836 than in 1834.⁸ Higher wages and the "ten-hour" day were the demands. Immediate concessions were the only remedy and when these were not obtainable, strikes followed. From 1834 to 1837 the cities of Philadelphia, Boston, Hartford, Trenton, Washington, Natchez, St. Louis, Cincinnati and Louisville all experienced labor troubles culminating in strikes, showing the wide-spread influence of the movement.⁹

The days of the greatest monetary inflation saw the wages of the laborers increased to a considerable extent, and quietude ruled for a time. The revulsion came in 1837. Employers at

⁶ Balestier, *Annals of Chicago*, 25, in *Fergus Historical Series*, 1.

⁷ *Yale Review*, 1, 87.

⁸ *Ibid.*, 1, 94.

⁹ *Ibid.*, 1, 98.

first reduced the number of hours each laborer should work and upon finding this of no avail, reduced the wages of the laborers. With the fall in labor prices there came no corresponding fall in prices of commodities. The army of the unemployed grew rapidly and in September of 1837 the *New York Era* says "We can state on the best authority that in the eastern states nine-tenths of the factories have been stopped and the same proportion of men, women and children thrown out of employment."¹⁰ Resulting from this change in the condition of the laborers, meetings of a more or less riotous nature occurred in various cities, but the most notable consequence was the unusual immigration to the West,¹¹ for these people, lacking the means for support in their native cities, took up the heritage of the poor man, cheap lands in a new country.

To the causes which operated throughout the entire land, local causes must be added if we are to understand the reasons for the increase and decrease in the volume of the westward movement. In New England there was a never ceasing desire "to see how things went in other parts;" a desire to find a land which offered better advantages for accumulating wealth than were found at home and as a consequence we find Yankees everywhere. They moved up the river valleys of their native states into the newer regions of northern New England; next, they settled western New York and later moved westward into Michigan, Wisconsin, Illinois and Iowa. They found their way to the southern states and even to the West Indies.¹²

The surface of New England, much broken by hills and rocky ledges, while it does not afford the best facilities for agriculture on a large scale, offers opportunities for small farming. The common grains—rye, corn, and buckwheat, together with potatoes and garden vegetables, were produced along the hill-sides and in the valleys with considerable success.¹³ Wheat growing was never a source of wealth to the New England

¹⁰ *The New York Era*, Sept. 5, 1837.

¹¹ *Yale Review*, 1, 99.

¹² *Niles' Register*, 59, 224.

¹³ *Hunt's Merchants' Magazine*, 5, 201.

farmer¹⁴ and of the other products little more than home supplies were produced.

The farms were small, generally from fifty to two hundred acres, divided into fields disproportionately small; sometimes fifteen or twenty fields making a single farm.¹⁵ The implements of husbandry were simple and did not afford the best results. By 1830 all the available lowlands were taken up and the hillsides were being used, especially in Vermont. The rising generation of young men finding how difficult it was to support themselves on one hundred acres or less, turned their eyes to the West.

If wheat could not be cultivated with advantage, and if the narrow valleys did not afford support for a numerous agricultural class, there was an industry which would flourish, but unfortunately it, too, tended practically to diminish the amount of cultivated land. The wool industry had received a great impetus when the Merino sheep was introduced. "The providential acquisition of this inestimable animal" says a New England paper "is in every point of view worthy the attention of all classes of citizens, especially farmers. The golden fleece of the Merino sheep presents to every prudent and thrifty farmer a mine of wealth from which he may draw to his industry, economy and the extent of his means."¹⁶

The value of the industry to the investor had been further enhanced by the protective tariffs of 1824 and 1828, the greatly increased foreign demand and the competition among the wool dealers at home. The average price of wool in Vermont for the decade 1831-1840 was fifty-two cents a pound.¹⁷ After 1839 a gradual decline took place.¹⁸ Farmers interested in varied agriculture had been unusually unsuccessful, especially with their wheat crops from 1824 to 1837¹⁹ and many looking for better fields of industry turned to sheep raising. In western

¹⁴ *The New Englander*, 52, 338.

¹⁵ *Atlantic Monthly*, 26, 333.

¹⁶ *Boston Patriot*, Oct. 3, 1810.

¹⁷ *House Misc. Document*, 105, 52 Cong., 2 Sess., 319. Prices sometimes rose to ninety cents per pound (*Niles' Register*, 40, 202).

¹⁸ *Niles' Register*, 72, 381.

¹⁹ Goodhue, *History of Shorcham* (Vt.), 59.

Massachusetts, in the Berkshire Hills, and in hill towns of the Connecticut valley wool growing was one of the most lucrative pursuits.²⁰ Factories continued to spring up to increase the demand for wool.²¹

Sheep farming, to be conducted with the greatest profit, requires more extended tracts of land than do the other agricultural pursuits, so the demand for desirable land in New England grew rapidly as did the prices paid for it. Wealthy men found paying investments by buying the land of the small farmer, even at advanced prices. Sales were practically compelled for the poor man was offered prices he could not afford to refuse.

The crisis of 1837 and a crop failure in the same year brought economic distress to New England and helped to swell the numbers migrating. A decline in the price of wool followed and although the tariff act of 1842 acted for a time as a stimulus to the manufacture of wool, it did not remain in operation long enough to make clear what its permanent effect would have been.²² Here, it appears, began the decline from which the sheep farming industry did not recover.²³

About this time the farmers became interested in dairy farming and when the railroads of the forties increased the value of dairy products by opening up the markets in the cities many

²⁰ *House Misc. Doc.* 105, 52 Cong., 2 Sess., 239; *Niles' Register*, 49, 68.

²¹ In 1832 the value of woollens in Mass. amounted to \$6,500,000; in 1837 they were valued at \$10,400,000. There were nearly two hundred mills in operation manufacturing over 11,300,000 yards of cloth yearly. (*Eighth Census* (1860), xxxii.)

²² Taussig, *Tariff History*, 144, cf. *Eighth Census* (1860), xxxii.

²³ *House Misc. Doc.* 105, 52 Cong., 2 Sess., 343, gives the following statistics concerning sheep and wool:

	Wool (lbs. produced)		Sheep (number)	
	1840	1850	1840	1850
Maine	1,405,551	1,364,084	640,304	451,577
New Hampshire	1,200,517	1,108,476	617,390	364,756
Vermont	3,000,235	3,400,717	1,691,819	1,014,129
Massachusetts	941,906	565,136	373,206	129,651
Rhode Island	183,880	129,692	90,146	44,300
Connecticut	689,870	477,454	406,408	174,181
Total	8,440,909	7,065,509	3,820,307	2,207,598

gave up wool-growing for dairying. The effect upon the supply of land was the same as before.

It appears that these causes combined to decrease the agricultural population of New England, if relative amounts of products may be taken as a basis for comparison.²⁴ The productions of wool, wheat, oats and rye had decreased in varying degrees in most of the states.²⁵ The cultivation of corn had increased. The number of cattle had increased in Maine and Rhode Island but in all other states had decreased as had the number of horses, sheep and hogs.

The decrease of the agricultural class can be accounted for in two ways; these farmers either moved to the cities or to the West. During the decade 1831-1840 when the sheep industry had reached its height and the rapidly developing cattle industry was claiming the New England lands, many of the small farmers preferred to go into the less populous states of Maine and New Hampshire. In these states land was not costly and upon the whole was good for cattle and sheep farming in spite of the severe winters experienced there. By 1840, however, there were no longer extensive new areas in New England and again a change came in the direction of the tide of emigration.

The industrial life of the New England people was altered at this time and for a while at least this seems to have stayed the flow from this section. With the decline of agriculture there came an increased activity along manufacturing lines. During the decade of 1841-1850 manufactures almost doubled in value, giving employment to an increased number of hands. By 1850 over 298,000 people were employed and \$158,000,000 were invested in the factories of New England. Massachusetts alone had in 1850 manufacturing industries valued at \$83,360,000 which almost equaled the amount invested by all the New England states at the opening of the decade.²⁶

²⁴ A change of methods in the censuses of 1840 and 1850 will not allow conclusions to be drawn from a comparison of figures denoting inhabitants engaged in agriculture.

²⁵ Rhode Island showed an increase in the amount of oats; Vermont, of wheat.

²⁶ *Compendium of the Seventh Census* (1850), 179; *Compendium of the Sixth Census* (1840), 111-127.

It is reasonable to believe that the class turned from agriculture would attempt to gain a livelihood by taking advantage of the opportunities manufacturing offered. At this point, however, a new influence acted to turn the New Englander westward. Foreign immigrants were landing on our shores in constantly increasing numbers and many of these people remained to seek employment in the eastern cities.²⁷ These foreigners furnished a large percentage of the laboring class of the factories and by beating down wages compelled their American competitors to withdraw. The New Englanders, moreover, did not care to be associated with the foreign workmen and hence social as well as economic influences operated to hurry great numbers of these New England people westward over the Great Lakes again to become farmers on the prairies of the Middle West.

In the Middle Atlantic states conditions also favored emigration. "Hard times" was the complaint of farmers, manufacturers and laborers in New York and Pennsylvania. Numerous memorials to Congress came from New Yorkers in 1834 asking that body to make some attempt to alleviate the distress prevalent throughout the state. From Albany came the complain of a lost market and a great cut in the wages of the laboring men;²⁸ from Rochester came the news that the flouring mills had closed on account of the instability of money;²⁹ from Otsego county a memorial was presented saying that the merchants could not collect their accounts; that mechanics could find no employment; that real estate was on the decline and loans could no longer be obtained; that manufacturing interests could not continue to operate to any advantage and that commercial confidence was fast being lost and general stagnation of business threatened.³⁰ From Ontario county, an agricultural district, came the report that produce had fallen in value from twenty-five to thirty-three per cent.³¹ Like conditions prevailed in

²⁷ McLaughlin in *Popular Science Monthly*, July, 1904; *The Nation*, May 27, 1889.

²⁸ *Senate Debates*, 23 Cong., 1 Sess., 1179.

²⁹ *Ibid.*, 23 Cong., 1 Sess., 1722.

³⁰ *Ibid.*, 23 Cong., 1 Sess., 1780.

³¹ *Ibid.*, 23 Cong., 1 Sess., 1475.

Pennsylvania. From Lancaster,³² Murray,³³ Montgomery,³⁴ York,³⁵ Mifflin,³⁶ Union,³⁷ and other counties came memorials to Congress during the year 1834.

Among the laboring classes uneasiness was evident but in the period of speculation and of inflated wages and values during the years immediately preceding 1837, the wage earners seemed content. When wages began to decline, however, and the prices of living did not decrease in a like proportion, labor troubles followed in the larger cities. An example of this is the 'flour riot' in New York in 1837.³⁸ Rents remained high as did prices of commodities. Labor was in over-supply and the crowd seeking employment in the cities seemed constantly to increase. A paper of the time commenting upon this increase attributed it to the fact that the facilities for securing good educations were so liberal and so generally accepted throughout the state—New York—and that whenever the younger sons of the farmers were qualified to engage in commercial pursuits they almost invariably hastened to the cities in search of employment, thereby diminishing the agricultural class and increasing the laboring class to the detriment of both.³⁹ Laborers' wages decreased and by 1840 the decrease ranged from twenty-five to thirty-three per cent.⁴⁰ and conditions seemed not likely to improve. Newspapers discussed the situation and some did not hesitate to advise every class of laborers to embrace the first opportunity offered for emigrating to the West.⁴¹

Conditions seemed equally unfavorable for the farming class and a decrease of the agricultural population took place in many of the New York counties. In Dutchess county from 1830 to 1835 there was a decrease in the population which would have been more marked had not the towns of Poughkeepsie and

³² *Ibid.*, 23 Cong., 1 Sess., 825.

³³ *Ibid.*, 23 Cong., 1 Sess., 1187.

³⁴ *Ibid.*, 23 Cong., 1 Sess., 1803.

³⁵ *House Debates.*, 23 Cong., 1 Sess., 4188.

³⁶ *Ibid.*, 23 Cong., 1 Sess., 4039.

³⁷ *Ibid.*, 23 Cong., 1 Sess., 3642.

³⁸ *Panics in the United States*, 20.

³⁹ *Wisconsin Enquirer*, June 25, 1842 (from the *Albany Daily Advertiser*).

⁴⁰ Hazard, *United States Commercial and Statistical Register*, May 6, 1840.

⁴¹ *The New Yorker*, April 22, 1837; July 21, 1838.

Fishkill each added considerable numbers to their population through the development of manufactures. The decrease was attributed to "emigration to the West"⁴² In Columbia county the hard times of 1837 and 1838 were felt and the effects were noticeable in the unusual number of business and dwelling houses offered for sale.⁴³ Likewise in Chautauqua, Chenango, Genesee, Ontario, Schenectady and Otsego counties either a decrease was noticeable during the years following 1837 or the increases were very small and these due not to agricultural but to urban development.⁴⁴ In the case of Chautauqua county, especially, there had been, since 1835, a steady decline.⁴⁵

This decrease was not a local thing as the *Commercial Advertiser*⁴⁶ shows, for in 1840 in more than two hundred towns of the state there were fewer farmers than in 1835, due to the fact, the writer of the article shows, that it cost more labor than formerly to produce agricultural products. "Unless a more systematic form of husbandry be adopted" says the writer, "the farms of this state will not exceed in price the worn-out lands of Maryland and Virginia." Legislative aid was necessary but was slow in coming. Competition by western produce became yearly a more potent factor in driving down prices; concentration of property and rapid increase of mortgaged lands each lent its aid to increase the existing dissatisfaction with the economic situation and consequently to aid the movement westward.

To competition, a considerable part of the westward emigration may be attributed and for the cause of this rapid increase of competition we must look to the Erie canal. While the canal was a work as general in its character as any undertaking of the kind could well be, it exercised a negative influence upon the welfare of farmers living beyond a distance of twenty-five or thirty miles from it, and was the means of retarding the

⁴² *Niles' Register*, 49, 226.

⁴³ *History of Columbia County* (N. Y.) 1, 329.

⁴⁴ *Buffalo Commercial Advertiser*, Aug. 19, 1845: Oct. 10, 1845.

⁴⁵ From 1830 to 1835 the increase had been 10,200; from 1835 to 1840 it was but 2,700 and from 1840 to 1845 there was a decrease (*History of Columbia County* (N. Y.), 1, 345; *Buffalo Commercial Advertiser*, Oct. 10, 1845.

⁴⁶ Aug. 12, 1845.

advancement of agricultural interests in the northern and southern counties of the state⁴⁷ In fact it held out inducements to the farmers in these counties to emigrate.⁴⁸

Prior to the opening of the canal wheat and other grains were grown in large quantities in the fertile valleys of New York and found profitable markets; but the high prices paid in eastern markets rapidly drew western grain eastward when facilities for transportation were obtainable. In 1835 when the cost of sending wheat from Illinois to New York City averaged from twenty-five to thirty cents a bushel⁴⁹ the Illinois farmer found it profitable and nearly 100,000 bushels besides a considerable amount of flour passed through the canal from the West during the year.⁵⁰ Ten years later it cost the Illinois farmer but five cents a bushel to send his wheat to Buffalo.⁵¹ The effect is seen in the 1,355,000 bushels of wheat, which, with 717,500 barrels of flour and 3,000,000 pounds of wool, passed through the canal from the West during that year.⁵²

The competition was too severe for the New York farmers and numbers were compelled either to change their industries to the more profitable ones of grazing and dairying or to move to the cheap lands of the West, where they, too, could take advantage of the fertile soil and cheap transportation. The Erie canal had been completed at the expense of the tax-payers of New York. Now each successive tax levy which was used to keep the canal in repair served only to make the taxpayer's property decrease in value owing to competition it helped to create. The result of the canal policy seems evident—it operated against the welfare of the farmers who did not live in direct contact with the canal and forced them in many cases to leave the state in search of more advantageous locations.

The concentration of property also did its work towards increasing dissatisfaction and thereby increasing the number of

⁴⁷ Winden, *Influence of the Erie Canal* (MSS. Thesis, University of Wisconsin, 1900).

⁴⁸ *American Railroad Journal and General Advertiser* (1845), 58.

⁴⁹ *Northwestern Gazette and Galena (Ill.) Advertiser*, Aug. 22, 1835.

⁵⁰ *DeBow's Review*, 2, 102.

⁵¹ *Buffalo Commercial Advertiser*, Aug. 10, 1845.

⁵² *DeBow's Review*, 2, 102.

emigrants. On account of this concentration of property the Anti-Rent troubles broke out among the settlers living along the Hudson and Schoharie rivers in eastern New York. Although the movement was at first of little consequence it increased in violence, culminating in an outbreak of a serious nature which was only subdued by concessions by the landholders.⁵³

A like disturbance over the "Genesee Tariff" took place in the Holland Purchase in western New York in 1835. The Holland Land Company had contracted its unsold lands and lands upon which there were outstanding claims and unexpired contracts, to two speculators. The new controllers demanded higher rents as well as the interest which had accumulated upon certain leases. A general uprising of the farmers took place and some lawless proceedings were carried on. These incidents are evidences of a wide-spread discontent in the agricultural class of the state and when coupled with the glowing reports of opportunities offered in the West they throw light upon the agricultural emigration thither.

The fever for the establishment of colonies in the West grew constantly during the thirties and forties and beyond a doubt some people who under other conditions would have remained at home were carried away by enthusiasm for such undertakings.⁵⁴

From Pennsylvania there came a steady stream of immigrants seeking better homes. In the cities conditions similar to those described in New York prevailed for the number of unemployed laborers increased and wages decreased after 1837. Manufacturers were not as successful as they wished to be. Some blamed the insufficient protection afforded by the tariff,⁵⁵ but undoubtedly the general financial unsteadiness was the cause.

⁵³ *Delaware (N. Y.) Gazette*, Sept., 1874; *Delaware (N. Y.) Courier*, Jan. 29, 1864; Feb. 5, 1864; *New York World*, Jan. 19, 1880.

⁵⁴ *Chicago Weekly American*, June 20, 1835; June 27, 1835; July 9, 1836; *New York Weekly Tribune*, Nov. 5, 1842; *History of Henry County (Ill.)*, 135; Edson, *History of Chautauqua County (N. Y.)*, 338; Curtiss, *Western Portraiture*, 292; *Thirtieth Anniversary of the Settlement of Genesee (Ill.)*.

⁵⁵ Hazard, *United States Commercial and Statistical Register*, 1, 333.

The farmers, save in the more fertile valleys of the state, were not very successful. The soil in the less favored regions was "poor and hard to cultivate" and the country "broken and hilly."⁵⁶ In the most desirable localities the process of subdivision of farms had gone on to such a great extent that by the beginning of the thirties the farms were exceedingly small, comprising often but ten or twenty acres.⁵⁷ The younger generation growing up at this time was in need of a place to earn a livelihood and some went to the cities, others to the West.

Many of the farmers were renters and each year spent as much money for rent as would buy a western farm. For a decade after 1835 Pennsylvania was flooded with circulars describing the beauties of the Illinois country, recommending the land and offering flattering inducements to settlers.⁵⁸ When the less prosperous years came the effect of these circulars became marked and many took their way westward. By 1850 there were nearly 38,000 Pennsylvanians in Illinois alone, but, as the movement was a gradual one and due to no exceptional circumstances, the volume at different years is not easily determined.

From 1830 to 1850 the movement of population in the southern states was one of decided importance. Before 1850 Virginia had lost by emigration twenty-six per cent. of her native-born free inhabitants. South Carolina had lost thirty-six per cent. and North Carolina, thirty-one per cent.⁵⁹ Further examination of statistics, will, however show that the movement was probably almost entirely within the limits of the planting states themselves. From 1831 to 1840 Georgia gained nearly thirty-four per cent. in population; Alabama, ninety-one per cent., Mississippi, one hundred and seventy-five per cent. and Arkansas, two hundred and twenty-one per cent. In the next decade, while the percentages of increase were lower, the actual gain in population in these states was little less than in the preceding decade and if Texas, which appears for the first time in the

⁵⁶ Lothrop, *Directory of Champaign County* (Ill.), 118.

⁵⁷ Hazard, *Register of Pennsylvania*, 8, 88.

⁵⁸ *History of Livingston County* (Ill.), 500.

⁵⁹ *Abstract of the Seventh Census* (1850), 15.

census reports, be included, the increase was nearly 200,000 in excess of that of the preceding decade.⁶⁰

Just how large a part of this southern stream came to the Northwest is difficult to determine but an examination of county histories discloses the fact that during the decade of 1831-1840, pioneers from the South and Southwest frequently came to take up the woodlands along the Illinois rivers.

To a combination of causes, we must look for the explanation of this migration. The Indian lands of Georgia had been opened for settlement and the cultivation of cotton was rapidly increasing along the 'black belt' of the Gulf States. Moreover, a general depression pervaded the older states of the South in the thirties, due primarily to agricultural conditions and aggravated by the general financial embarrassment of the last half of the decade. From Maryland,⁶¹ Virginia,⁶² and the Carolinas⁶³ came the cry of "worn-out lands" and general agricultural depression. On account of the exhaustive process of the cultivation of the staples, tobacco and cotton, there had been going on for years, a steady impoverishment of the land, but while the price of cotton kept up it was a profitable industry for the planter. A decline in prices, however, set in and following the year 1837 there came a crisis in the cotton industry, which proved a hard blow to southern interests, for prices fell so low that the cultivation of this staple was no longer a paying venture.⁶⁴ To make matters worse, the price of tobacco fell in a corresponding degree.⁶⁵

The cause for the ill-success of the agricultural class may be seen in the character of the products. As a staple was the strength and life of the South so was it also the weakness. In good years when crops flourished, all was well, but in poor years when crops failed, disaster followed. Since the rich planter class held most of the best lands of the South, the poor

⁶⁰ *Seventh Census* (1850), 4, 5.

⁶¹ *Niles' Register*, 49, 298.

⁶² Martineau, *Society in America*, 2, 41.

⁶³ *Niles' Register*, 44, 222.

⁶⁴ *The Agricultural Prospects of South Carolina: Her Resources and Her True Policy*, in the *Southern Quarterly Review*, 8, 119.

⁶⁵ *Niles' Register*, 52, 181.

whites were confined to the less productive portions and from this there arose a tendency to move. In the case of the planter, the removal came with the wearing out of the old lands; in the case of the poor whites, the removal came whenever an opportunity presented itself.

In the southern mind many of the hardships experienced by the people of that section could be attributed to the tariff. This view is shown by Mr. Hayne, senator from South Carolina, who in 1832 presented to the Senate a memorial which stated that, "Although other causes have conspired to reduce the income of the citizens of the south, yet it is the tariff alone which denies them the right of converting that reduced income into such an amount of the necessities and conveniences of life as would certainly be at their command under a revenue system of moderate duties" ⁶⁶ Charleston is the example cited to show the conditions which prevailed during the early thirties. The merchants were bankrupt, the mechanics in despair, grass was growing in the streets, houses were falling in ruins, real estate was reduced to one-third its true value and rents amounted to almost nothing. In the surrounding country the fields were abandoned, agriculture drooping and slaves and masters working harder than ever and faring worse.⁶⁷ Conditions were not changed in 1837 as a correspondent writes to the *New York Star*. He points out that the business houses were failing and loans could be had only at rates ranging from four to ten per cent. a month and then only on collateral securities in the shape of jewels and other valuables.⁶⁸

In the Southwest conditions were not much better. A memorial from Louisville, presented to the Senate in 1834 says, "Had a large invading army passed triumphantly through our country, it could not have so completely marred our prosperity. . . . The countenances of our citizens are more gloomy and desponding than when the dread cholera was amongst us."⁶⁹ Money here commanded five per cent. a month.

⁶⁶ *Senate Debates*, 22 Cong., 1 Sess., 174.

⁶⁷ *Ibid.*, 22 Cong., 1 Sess., 80.

⁶⁸ *Niles' Register*, 52, 114.

⁶⁹ Refers to the removal of U. S. Bank Deposits. (*Senate Debates*, 23 Cong., 1 Sess., 719.)

Another cause operated to turn migration northward during this period. It was the influence of the institution of slavery. Slavery, the emigrants from the South said, had a tendency to create class distinction to a marked degree and to depreciate the effectiveness of free, white labor. As a consequence immigrants came to Illinois from Virginia,⁷⁰ West Virginia,⁷¹ Maryland,⁷² Georgia,⁷³ Kentucky,⁷⁴ and Tennessee⁷⁵ expressly to escape the effects of slavery, which as they said, operated against their interests in their native states. In all probability this was the greatest influence operating to move southern emigrants to northern homes. Free labor in 1832 received but twelve and one-half cents a day.⁷⁶ It was unable to compete with slave labor and as a consequence it was compelled to withdraw.

From the states north of the Ohio river, an exceedingly large emigration came to the newer states. The causes for this movement are not clearly defined and much of the emigration can probably be attributed to the ever present desire to obtain better farming lands. Ohio and Indiana were both good agricultural states and owing to the fact that the chief industry was farming the revulsion of 1837 did not affect them to such an extent as it did the eastern states.⁷⁷ Monetary affairs in Ohio got into a state of confusion, however, immediately after the panic, for the "Three Dollar Law" was passed, by which no bank was compelled to accept bills of any other bank for amounts of three dollars or less. Considerable trouble was experienced owing to this fact and undoubtedly losses resulted to all classes. Money brought from ten to fifty per cent. a year,⁷⁸ which placed it beyond the reach of the average borrower and wrought hardship upon the well-to-do.

⁷⁰ *Weekly Chicago Democrat*, Feb. 4, 1848.

⁷¹ *Ibid.*

⁷² *History of Mercer and Henderson Counties*, (Ill.) 803.

⁷³ Ferrall, *Ramble through the United States* (1832), 166.

⁷⁴ *Recollections of John M. Palmer*, 8.

⁷⁵ Stuart, *Three Years in North America*, 2, 235.

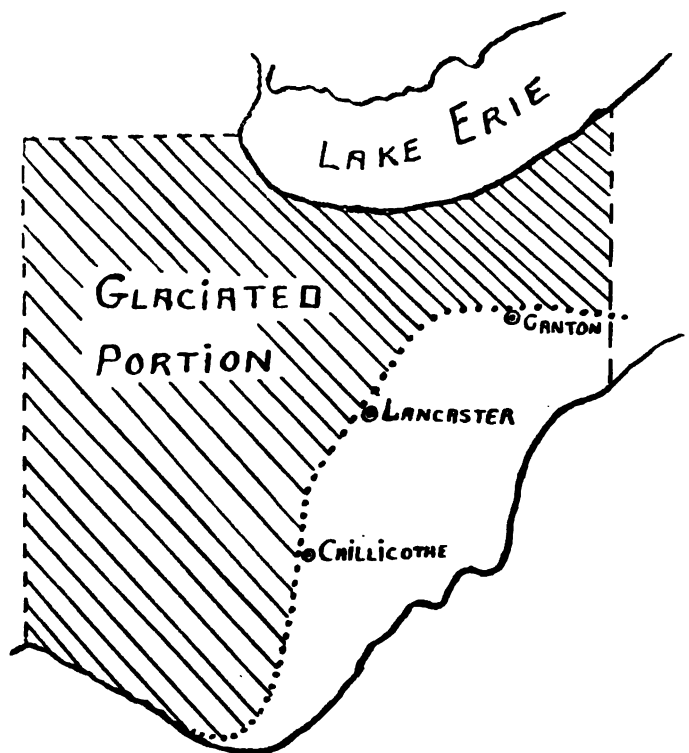
⁷⁶ *House Debates*, 22 Cong., 1. Sess., 3154.

⁷⁷ *Greene County Torch Light*, (Xenia, O.) Dec. 9, 1859; *Ohio Statesman*, Dec. 3, 1839.

⁷⁸ *Green County (O.) Torch Light*, Dec. 9, 1839.

Indiana had its experience with financial troubles. The internal improvement craze which seized upon so many of the states before 1840 affected this state also and coupled with distress coming from too much banking, trading and speculation threw the state deeply into debt.⁷⁹ Many left to escape paying their debts; some, ruined by paying them, migrated in search of other homes where they could begin life anew and build up their broken fortunes. Still others seeing the immense debt burdening the state and noting the slowness of the return of financial solidity, feared an increase of taxes, sold their land and moved out of the state to escape the additional burden which they expected would be laid upon the people.

Soils varied greatly in fertility all through the states of the old Northwest Territory bordering on the Ohio river. The Wis-



⁷⁹ Haymond, *Indiana*, 216.

consin glacier had moved down over Illinois, Indiana and Ohio, leaving a marked effect upon the fertility of the soil over which it passed. Just how great this difference was can be appreciated only by an examination of the agricultural statistics for the two districts. The accompanying sketch⁸⁰ shows in a general way the glaciated and unglaciated portions of Ohio. The portion of the state east of a line drawn through Canton, Newark, Lancaster and Chillicothe has not had the benefit of glacial action. In this area the streams run in deep narrow channels whose valleys are fertile. On the highlands the soil is shallow and the average production to the acre, especially in wheat, not nearly so great as within the limits of the glaciated district, being only as nine is to fourteen. Lacking the depth of soil this unglaciated portion wore out rapidly and the crop returns diminished each year. The census of 1900 shows that on an average the counties inside the moraine produce \$5,000 or more of agricultural products per square mile annually, while outside the average production per square mile is between \$2,500 and \$5,000.⁸¹

By 1850 the difference in the soils was noticeable. The reports of 1850 for eight counties taken along the middle line of the unglaciated part of Ohio show forty-eight and six-tenths per cent. of the land under cultivation; while in eleven counties selected from those within the limits of the moraine but not bordering upon it fifty-seven per cent. of the land was cultivated showing that farmers were not inclined to allow good land to lie uncultivated. In the case of dairy products the difference was not so noticeable for this industry seemed the best suited to southeastern Ohio.

In land values the difference was still more marked. Outside the moraine, land was worth on an average, thirteen dollars and seventy-five cents an acre while inside it was valued at more than nineteen dollars an acre. In other words, a farm of one hundred acres in the glaciated part of the state was as valuable as one of one hundred and forty acres in the less favored locations.⁸²

⁸⁰ For map see *Geological Survey of Ohio* (Columbus, 1884,) 5, 755.

⁸¹ *Twelfth Census* (1900) *Agriculture*, pt. 1, plate 4.

⁸² *Seventh Census* (1850), 862-868.

Like conditions prevailed in Indiana. The unglaciated part of the state lacked fertility and the soil soon wore out. Statistics for 1850 collected from eight counties inside the glacial moraine and a like number outside of it show that glaciated land was valued at twelve dollars and sixty cents per acre, while land not glaciated was worth but six dollars and sixty cents per acre—little more than half as much. The farms in the central part of the state produced on an average fourteen bushels of cereals per acre; in the southern part, the average production was less than eleven bushels per acre. In units of other produce, the difference between the areas was as great; three and three-fourths units being the average production per acre for the glaciated portion and two and two-tenths units the average outside the moraine.⁸³

At first glance the differences may not seem marked enough to have had any great effect but to the farmer who spent his time working earnestly it was disappointing to find that he could raise but half as much produce per acre as his neighbor who worked no harder than he and who cultivated no more ground. In these relative land values it seems that a cause for emigration can be found.⁸⁴

The flood of circulars which came from Illinois in the closing years of the forties may have influenced some to move to that state. At home, inducements were offered to some farmers to move since capitalists found it a paying investment to buy up the worn-out farms of southeastern Ohio and by means of fertilizers to restore the strength of the land.⁸⁵ Many took advantage of the opportunity to sell and moved away.

A general law which seems to have always been fundamental in the westward movement was doubtless in operation. Ohio and Indiana had been settled with rapidity and had now been in the Union for a generation or more; the boys of the younger

⁸³ *Seventh Census* (1850), 790-797.

⁸⁴ In the selection of examples care has been taken that New England settlements should not be opposed to the southern settlements thus opposing thrift and shiftlessness in agricultural methods. Contrast Von Holst, *Constitutional History*, 3, 570; *Calhoun Papers* in *American Hist. Ass'n Reports* (1898), 2, 196.

⁸⁵ *Seventh Annual Report of the Ohio State Board of Agriculture* (1852), 408.

generation were growing to manhood and knowing by experience the possibilities of the West and the ease with which the western land could be procured, and knowing the returns obtained by ordinary effort were anxious to become land owners. The families of these pioneers were large as a rule, so a division of the paternal inheritance could not be thought of by the sons and they went out to take up lands for themselves. Traveling by wagon they soon came to the prairies of Illinois and finding the land here exceedingly fertile they were content to settle wherever an opportunity, which generally meant timber, presented itself. An examination of the nativities of the settlers of the eastern Illinois counties will show a great percentage of Ohio men and Indiana men, which leads one to believe that this immigration was a natural agricultural one produced by no special causes save the general desire to obtain better economic conditions.

From the foregoing causes it seems reasonable to believe that the influences bringing about the western expansion in this period, were primarily economic. The movement may be characterized as an attempt upon the part of the American farmer and laborer to widen his industrial field and to uplift his standard of living by taking advantage of the opportunities offered in the new West.

CHAPTER IV

THE WAY TO THE WEST

Broadly speaking the movement of the pioneers across the continent has always been along the lines of least resistance, following in a general way the lines of latitude. Illinois is a remarkable illustration of the latter tendency. In length the state is about four hundred miles and the parallels of latitude which mark its northern and southern extremities include all those states from northern Massachusetts to southern Virginia. In the southern counties of the state a great part of the settlers are descendants of the pioneers who came from the southern and southwestern states; in the northern and eastern counties the settlers, exclusive of foreigners, are principally descended from New Englanders or people from the Middle States.

In the early pioneer days there were four established lines of travel to the West, following trails made by nature. Farthest to the north lay the line of the Mohawk valley, afterwards to be the path of the Erie canal. Next, to the south, was a line of communication which followed the course of the upper Potomac and passed through southern Pennsylvania, western Maryland and northern Virginia. Still farther south lay the roads up the valleys of Virginia opening through the mountain gaps into Tennessee and Kentucky, and lastly there were the trails leading around the southern extremity of the Appalachian system and spreading over the Gulf States.

To trace out any general line of travel is difficult but it appears that there was a tendency for the northern immigrants to move towards the Ohio river or the Great Lakes and follow these lines westward. This tendency is especially noticeable when upon the completion of the Erie Canal the line of water

communication extended unbroken from New York city through the Great Lakes.

Farther to the south it is a still more difficult matter to determine the location of any general route of travel westward. The southerner packed up his household goods, faced the West and traveled by the most convenient road. An illustration of this characteristic is given in the answer made by a North Carolina man who, traveling westward with all his earthly possessions, was asked where he was going. "No where in pertick'lar" he answered. "Me and my wife thought we'd hunt a place to settle. We've no money, nor no plunder—nothin' but just ourselves and this nag—we thought we'd try our luck in a new country."¹ The vague desire for a change of location is shown here as well as one class of people moving from the South in the early decades of the century.

In order to understand the lines of travel, it is necessary to note the convergence of the several minor lines with the great trunk lines and also to note the divergence. From Montreal and Quebec, which were the landing places of many Europeans bound for the Northwest, the St. Lawrence river offered a convenient road.² The New Englanders, after the opening of the Erie canal, in 1825, if they lived near the Hudson river valley, were inclined to travel the nearest road to Albany and proceed by water. There was a decided tendency among those living within a convenient distance from Boston to go to that city and thence to Philadelphia³ or Baltimore⁴ and westward by stage, canal and railway to a point upon the Ohio river, generally Pittsburg or Wheeling.

The people of northern and western New York and such other parts of the state as were close to the Erie canal generally followed it to the Great Lakes and thence westward.⁵ Still others found it more convenient to go by the southern wagon road leading from Kingston on the Hudson through Ithaca and

¹ *Chicago Weekly American*, June 20, 1835.

² *Boston Weekly Messenger*, October 14, 1819.

³ *Stories of the Pioneer Mothers of Illinois* (MSS. in Ill. State Historical Library).

⁴ *Illinois Monthly Magazine*, 2, 52.

⁵ *Stories of the Pioneer Mothers of Illinois* (MSS. in Ill. State Hist. Library).

Bath to the Alleghany river⁶ or to Erie (Pa.) and thence south to Beaver on the Ohio where they embarked upon rafts or steamboats.

Buffalo was the great port for embarking for the West, and so continued after the opening of the steamer lines on the lakes. During the year 1834 some 80,000 people were counted leaving Buffalo.⁷ Eleven years later the number had grown to almost 98,000.⁸ Thousands of the travelers were destined to the ports of Detroit, Milwaukee and Chicago; the remainder were for intermediate ports, for they did not believe the trip through the entire length of the lakes to be the most advantageous. It was a common occurrence for immigrants to leave the water at Buffalo, or at Erie and then turn south to the Ohio river.⁹ Others went to Cleveland and reached the Ohio by way of the Cuyahoga and Scioto rivers.¹⁰ The greater number of settlers bound for the states around the upper Lakes went to one of the three great ports and found their way to their homes by various methods. Some bound for central Illinois left the Lakes at Detroit, came over land to the Kankakee river and floated down it to the Illinois.¹¹

Those migrating from the Middle States turned towards the great highways leading from Baltimore and Philadelphia over the mountains to Pittsburg or Wheeling. From Philadelphia the Columbia railway or the Schuylkill river and Union canal connected with the Pennsylvania canal along the Susquehanna and Juniata rivers. This route was followed to Hollidaysburg where the Portage railway commenced. The railway acted as a connecting link between the waterways of eastern and western Pennsylvania. Writers and travelers comment upon it as one of the wonderful achievements of the age. Jones in his *Illinois and the West* (1838) says "the Portage Railroad over the Alleghanies is a wonderful work. . . . The road consists

⁶ Lloyd-Jones, *Routes to Wisconsin* (University of Wisconsin MS. Thesis (1902).

⁷ *Niles' Register*, 58, 234.

⁸ Albach, *Annals of the West*, 958.

⁹ *Illinois Monthly Magazine*, 2, 53.

¹⁰ Stephen A. Douglas came to Illinois by this road in the early thirties.

¹¹ *Proceedings of the Ill. Ass'n of the Sons of Vermont* (1877) 11).

¹² Duls, *Good Old Times in McLean County* (Ill.), 229.

of five inclined planes on each side of the mountains with their levels. The planes are from three-fourths of a mile to a mile and a quarter in length and the levels from one to sixteen miles. The short levels are furnished with horse power and the longer ones with locomotives."¹² From 1834 it seems to have been the custom to load the canal boats from the eastern side on cars furnished for the purpose, transport them over the mountains and deposit them in the canal upon the opposite side;¹³ from this point (Johnstown) the communication by water was uninterrupted to the Ohio. Some immigrants came by way of Lancaster, Columbia, Chambersburg and Somerset to Pittsburg on the Ohio or to Brownsville on the Old National Road.

Baltimore's connection with the West was by way of the National Road from Cumberland on the Potomac. The Chesapeake and Ohio canal leading to Pittsburg and the Baltimore and Ohio railroad to Wheeling although primarily planned to give Baltimore close connection with the western country had been slow in construction. By 1850 the canal was completed only to Cumberland on the Potomac¹⁴ and the railroad had reached this place but eight years before. The latter, however, was of some importance at least in the conveyance of goods to the West, almost 782,000 tons of freight having passed westward previous to 1851.¹⁵

From the surrounding country along all the wagon roads, came load after load of household goods bound for the various Ohio river towns.¹⁶ Hundreds preferred the National Road to the Ohio, blocking it up with their caravans. *Niles' Register*¹⁷ says "the National Road has the whole season been blocked up with movers' wagons and from the representations, people enough have changed homes from the east to the west in 1839 to add another state to the national constellation had they all located in a single territory."

¹² Jones, *Illinois and the West*, 16.

¹³ *Galena Gazette*, Dec. 13, 1834 (*Extract from the Hollidaysburg (Pa.) Aurora*); Luchsinger, *New Glarus*, in *Wis. Hist. Colls.*, 12, 354.

¹⁴ Ward, *Chesapeake and Ohio Canal*, in *Johns Hopkins University Studies*, 17, 534.

¹⁵ Reizenstein, *Baltimore and Ohio Railroad*, in *Johns Hopkins University Studies*, 15, 359.

¹⁶ *Wheeling Gazette*, Sept. 1, 1832.

¹⁷ *Niles' Register*, 52, 224.

From the South Atlantic states much the same general course was followed. The roads up the Virginia valleys converged at the Cumberland Gap, although some movers preferred to travel towards the Potomac river striking the Old National Road there. Still others followed along the road leading through Charlottesville (Va.), Staunton, Lewisburg and Charlestown to Guyandotte on the Ohio.¹⁸ From the Carolinas they followed the Yadkin through Wilkesville, thence northward through Ward's Gap (Va.) across the valley to the Great Kanawha; or turning southwest from Wilkesville some went through the State Gap (N. C.) and found their way to one of the Ohio river towns by way of the Cumberland Gap. The roads of South Carolina followed the rivers, and converging at the Saluda Gap in the Blue Ridge, passed through Asheville (N. C.), through the Smoky mountains and the Cumberland Gap to Kentucky.¹⁹ As a general rule where there was any tendency to follow a beaten line of travel it was towards some point on the Ohio between Cincinnati and Louisville. If the whole trip was to be by wagon the pioneers generally continued northward across the Ohio to Vincennes (Ind.), Terre Haute (Ind.) or Shawneetown (Ill.)²⁰

The great road from southern Kentucky, central Tennessee and the Carolinas lay through Christian and Caldwell counties in Kentucky crossing the Ohio at Ford's Ferry and proceeding along the road through Equality, Mt. Vernon and Carlyle. On this road could be seen every conceivable sort of conveyance from a handsome family carriage to the humblest sort of an ox-cart.²¹

One more regular route of travel must be noticed. This is the Mississippi river. New Orleans was the great port of the South and here a considerable number of foreigners landed each year. Few of these, it seems, cared to stay in the South for the up-stream boats each year brought hundreds of Germans, Irish and other foreigners seeking homes in the interior.²²

¹⁸ Peck, *Gazetteer of Illinois* (1837), 323.

¹⁹ *Reminiscences of Levi Coffin*, 76.

²⁰ *History of Coles County (Ill.)*, 409.

²¹ *Personal Recollections of John M. Palmer*, 11.

²² *Emigrants' and Travelers' Guide through the Valley of the Mississippi*, 341; *Madison City Express*, April 25, 1844.

The roads taken by the movers from the older states of the Northwest Territory cannot be distinctly marked. The pioneers from Ohio living near the great river or its branches took advantage of this convenient road.²³ Others living along the line of the Old National Road were equally certain to take advantage of it. The people of Indiana, being close to Illinois, were less likely to follow any one of these routes and it is difficult to find information regarding these settlers, other than that they generally came in wagons or perhaps, when not in possession of many household goods, on foot.

As there were points for congregation of immigrants, so were there points for dispersion. Shawneetown, Vincennes and Terre Haute on the eastern border of the state have already been mentioned. Detroit, to the northeast, has also been shown to be a place from which the pioneers spread over the country, some of them reaching northern and central Illinois. On the south, beyond the bounds of the state lay another, Louisville, from which several roads by land and water presented themselves according to the destination of the traveler.

St. Louis was the important point for travelers coming by way of the Mississippi. From this city nearly every point in Illinois could be reached in a reasonably short time since steamboats departed almost daily for all Illinois towns lying along the Mississippi,²⁴ and others plied up and down the Illinois river.²⁵ By 1850 this latter line was increased in importance by the opening of the Illinois-Michigan canal which connected St. Louis and Chicago by a waterway. In 1831 stage lines also led from St. Louis to various settlements throughout Illinois. Three times a week the stage left St. Louis for Vincennes, Indiana, passing through Belleville, Lebanon, Carlyle, Maysville and Laurenceville; once a week a stage went to Vandalia by way of Edwardsville and Greenville and once a week to Galena by way of Edwardsville, Springfield and Peoria.²⁶

²³ *History of McLean County (Ill.)*, 467.

²⁴ *Illinois Monthly Magazine*, 2, 54; *Buffalo Commercial Advertiser*, May 27, 1846.

²⁵ In 1836 there were thirty-five steamboats on the Illinois River. (*History of Menard and Mason Counties*, 501.)

²⁶ *Illinois Monthly Magazine*, 2, 54.

In the extreme northwest corner of the state in the lead region lay Galena, the objective point of all immigrants to that region in the early days.²⁷ It was most easily reached by way of the Mississippi, and in 1822 the "Virginia" on her way to Fort Snelling stopped at Galena, being the first steamboat to enter the port.²⁸ By 1846 steamers plied daily between St. Louis and this port.²⁹ As the lead mining industry grew, the importance of Galena as a distributing port for the Northwest grew also. In 1832, ten years after the coming of the first steamboat, one hundred steamboats and seventy keel-boats landed there.³⁰

During the time of the earlier days in the northwestern part of the state before the railroads began to operate, the merchants of the section carted their goods overland from Galena, which was the most convenient point for receiving supplies from the east and south. Here, too, was the market of the farmers, or at least the shipping point for markets down the river. So intimate was Galena's connection with the South by means of the great river, that for years its people were decidedly southern in their sympathies as was indicated by the sentiments expressed in their newspapers.

The objective point for immigrants to Illinois after 1834 was Chicago, if the journey was made by way of the Great Lakes. Frequently, indeed, we find mention of the number of immigrants landing at this point and of the rapidly increasing number of vessels employed in transporting these people. In 1833 four vessels came to Chicago harbor,³¹ this number increased to one hundred and eighty during the next year³² and to over four hundred and fifty in 1836.³³ "Almost all vessels from the lower lakes are full of passengers and our streets are thronged with wagons loaded with household furniture and the implements necessary for farming. Foot-passengers, too, with

²⁷ Strong, *History of Wisconsin Territory*, 118.

²⁸ *Galena and its Leadmines*, in *Harper's Magazine*, 32, 693.

²⁹ *Buffalo Commercial Advertiser*, May 27, 1846.

³⁰ *History of Jo Daviess County*, 257.

³¹ *Hunt's Merchants' Magazine*, 18, 166.

³² *Niles' Register*, 47, 55.

³³ *Hunt's Merchant Magazine*, 18, 166.

well-filled sacks on their shoulders come in large numbers.”³⁴ This was the comment of a Chicago newspaper in 1835. In 1836 the same paper states that the town “is rapidly filling up with strangers.”³⁵ After the financial depression which lasted from 1837 to 1842, Chicago again began to feel the westward movement, the *Chicago Express* noting that “the tide of immigration is gradually setting in again to Illinois.”³⁶

At a comparatively early date lines of communication were established from Chicago to various points in eastern, central and northern Illinois. The chief road to the settlements along the Vermilion and Wabash rivers was the ‘Hubbard Trace,’ or the ‘State Road’ leading from Chicago to Danville.³⁷ In 1836 a line of wagons, operating between Chicago and the Kankakee river was established. From this point connections were made with the Illinois river steamboats by means of flat boats. Primarily this transportation line was for the benefit of St. Louis and Alton merchants who were desirous of receiving their goods by way of the lakes.³⁸ Immigrants, however, took advantage of the conveniences offered. Three years later the Frink and Bing-ham stage line from Chicago to Galena was in operation advertising that the entire journey of one hundred and sixty miles would be covered by their coaches in two days and that passengers would be carried for twelve and one-half dollars per head.³⁹

It has been indicated that, previous to the beginning of steam navigation on the Great Lakes, the amount of travel along this highway was limited. After its beginning the number of passengers desiring transportation increased with astonishing rapidity. With the increased demand by immigrants grew the number of steamers. In 1833 eleven steamboats carried about 43,000 movers from Buffalo to the West.⁴⁰ In the next year the number of boats had grown to eighteen⁴¹ but it was not suffi-

³⁴ *Chicago Weekly Chronicle*, Nov. 21, 1835.

³⁵ *Ibid.*, June 18, 1836.

³⁶ *Chicago Express*, June 27, 1843.

³⁷ Beckwith, *History of Vermillion County*, 651.

³⁸ *Northwestern Gazette and Galena Advertiser*, Jan. 16, 1836.

³⁹ *Ibid.*, Aug. 27, 1839.

⁴⁰ MacGregor, *Commercial Statistics of America*, 675.

⁴¹ *Ibid.*

cient to satisfy the demand, for sailing vessels of all descriptions were used. During the summer season of 1835, it was estimated that 1200 people daily left the port of Buffalo bound for the far West.⁴² The year 1839 saw the establishment of a regular line of steamers from Buffalo to Detroit and Chicago.⁴³ There were eight boats in this transportation line and they made trips from Buffalo to Detroit every sixteen days. Between Detroit and Chicago was a line of light boats and by 1847 the traffic on the lakes had grown to such an extent that sixty steamboats and three hundred and forty vessels of other descriptions were necessary to handle the traffic.⁴⁴

The cost of transportation along this route of travel varied considerably as competition became brisk. From Albany to Buffalo at the beginning of the period the fare was fifteen dollars and sixty-two cents⁴⁵ by packet. Three years later it had dropped to fourteen and one-half dollars⁴⁶ and when railroads got into running order transportation between these points cost eleven dollars by land, and one and one-half cents per mile by the canal, meals to be paid for by the travelers.⁴⁷ From Buffalo to Chicago by steamboat cost twenty dollars in 1840;⁴⁸ fifteen dollars in 1842,⁴⁹ twelve dollars in 1847;⁵⁰ and but ten dollars in 1850;⁵¹ steerage passage could be obtained for about half the above prices. Prices on propellers and schooners ranged from four to eight dollars as steerage or cabin passage was taken.⁵²

Freight rates varied as did the prices of passenger traffic and charges were made, sometimes by weight and sometimes by barrel bulk.⁵³ In 1836 the average cost per hundred weight from New York to Chicago was one and one-half dollars.⁵⁴ In

⁴² *Chicago Weekly American*, July 25, 1835.

⁴³ *Niles' Register*, 44, 125.

⁴⁴ *De Bow's Review*, 2, 102.

⁴⁵ *Illinois Monthly Magazine*, 2, 52.

⁴⁶ *Emigrants' and Travelers' Guide to the Mississippi Valley*, 363.

⁴⁷ Norris and Gardiner, *Illinois Annual Register* (1847), 24.

⁴⁸ Evanston Historical Society, *Proceedings* (1902), 3.

⁴⁹ *Chicago Democrat*, April 13, 1842.

⁵⁰ Norris and Gardiner, *Illinois Annual Register* (1847), 24.

⁵¹ Evanston Historical Society, *Proceedings* (1902), 3.

⁵² Norris and Gardiner, *Illinois Annual Register* (1847), 24.

⁵³ *Albany Cultivator* (1841), 8, 53.

⁵⁴ *Chicago Weekly American*, July 9, 1836.

the early forties rates from Buffalo to Chicago were quoted at fifty cents per hundred weight on heavy stuff and eighty-seven and one-half cents on light stuff.⁵⁵ It is evident from these classifications of rates that room rather than weight was what the shipper paid for.

The amount of goods each mover brought depended upon his financial condition and his inclination to pay freight. Some loaded their horses, wagons and all upon the decks of the boats; others came with only what they could carry on their shoulders. Advice as to what the immigrant should take with him to the West varied greatly. One authority told the travelers that they "should not pay freight on horses and cattle or upon hogs."⁵⁶ Another advised it, saying that the immigrants need fear no difficulty in bringing stock with them as several of the masters of boats seemed "to take great interest in the shipment of choice stock to the West."⁵⁷ It seems probable, however, that what stock was brought to Illinois by the settlers generally came with those traveling overland.

Speed of travel increased as did the volume. In 1836, seventeen and one-half days were consumed in making the trip from New York to Chicago;⁵⁸ by 1840 the distance from Chicago to Buffalo had been covered in two days and two nights.⁵⁹ Three and one-half days for the same trip was the best time made before 1850.⁶⁰

The steamers seem to have been regarded as almost perfect as is shown by the enthusiastic description of a lake steamer given by a Chicago newspaper man in 1841. "It is difficult," he says, "to conceive of their superiors whether we regard swiftness or beauty of model. They float upon the water like swans; they move through it like its own finny inhabitants. Travelers from the South and East are in raptures with them and they may well be so."⁶¹ The large boats sometimes carried nine hundred passengers with their luggage at one trip. Many of these

⁵⁵ *Chicago Democrat*, April 13, 1842.

⁵⁶ Marshall, *Farmers' and Emigrants' Handbook*, 24.

⁵⁷ *Albany Cultivator* (1841), 8, 53.

⁵⁸ *Chicago Weekly American*, July 9, 1836.

⁵⁹ *Niles' Register*, 58, 288.

⁶⁰ *Chicago Times*, Dec. 27, 1841.

⁶¹ *Chicago Weekly American*, Sept. 6, 1841.

probably were deck passengers having no more accommodations than mere shelter from the weather. Towards the close of the forties the railroads which were developing slowly began to divert the passenger traffic from the Great Lakes.⁶²

Many immigrants landed in Chicago who had not means enough to take advantage of the stage lines, nor had they wagons of their own. The more fortunate, however, possessing some funds were often able to make an agreement with one of the many farmers hauling produce to Chicago, to transport their goods into the interior. In such cases the owners trudged along mile after mile to their destinations. The Bishop Hill colonists are said to have travelled the entire distance from Chicago to Henry county on foot, and some even came from New York in the same way. In the summer the roads were good but during the spring, before the sun had dried up the moisture, they were in wretched condition.

In early days thousands of settlers had come to the West on river steamers. Illinois, although situated in the very heart of the interior, has exceptional advantages for navigation. Its boundaries measure eleven hundred and sixty miles and more than eight hundred and fifty miles of this extent is made up of navigable waters.⁶³

The first attempt to navigate the western rivers by the aid of steam was made in 1811⁶⁴ and in 1817 the first steamboat to touch a port on the Upper Mississippi reached St. Louis.⁶⁵ Five years later Galena, at the extreme northern limit of the state was reached. Previous to 1811 crafts of various descriptions had been used in river traffic. Log canoes, pirogues, large enough to carry twelve or fifteen barrels of goods, Kentucky boats, keel-boats, eighty feet in length with a capacity of one hundred barrels, New Orleans boats, capable of transporting from four hundred to five hundred barrels at a time, barges, with a capacity of 60,000 pounds, and finally great rafts upon which whole families together with their household goods, farm-

⁶² Evanston Historical Society *Proceedings* (1902), 3.

⁶³ *North American Review*, 51, 113.

⁶⁴ Albach, *Annals of the West*, 853.

⁶⁵ *History of St. Clair County* (Ill.), 21, in *Illinois Local Histories*, 12, Wis. Hist. Society Library.

ing implements and domestic animals floated singly or in groups down the Ohio and the Mississippi rivers.⁶⁶ Occasionally the boats were "poled" back up the river but the rafts were broken up and either used for building the homes of the immigrants or were sold.

The keel-boats were built with the view of protection from the Indians as well as for carrying large loads. Loopholes lined the heavy wooden upper work of the boats. Partitions formed four rooms,—a cabin for the steward, a dining room, a ladies' cabin and one for men. In later days stoves were furnished and rude berths were constructed along the walls.⁶⁷ Generally such boats were manned by three hands, one to act as pilot and two for rowing. Occasionally some mover, with an idea of lessening labor and increasing speed fitted up a pair of side wheels for his boat. These were kept in motion by horses walking in a treadmill. Mention is made of such a boat, seventy-five tons burden, making the trip all the way from the Muskingum in Ohio to Winnebago county, Illinois, in 1839. It carried a typical immigrant load, eighteen persons, besides horses, cattle, swine, geese, ducks, chickens and farming utensils of all sorts from wagons to hoe handles. Beds, bedding, household furniture, wearing apparel and a full year's stock of provisions were also in the cargo.⁶⁸

Down all the streams which fed the Ohio and especially those leading from the lumber district of Pennsylvania and New York floated immense rafts of lumber. Often two or three were lashed together to make the trip which as a rule occupied from three to four weeks. The immigrants in order to make themselves as comfortable as possible on the voyage erected rude shanties which served for parlor, kitchen, bedroom and storehouse. Outside on the walls of the cabin could be seen all kinds of sporting apparatus, dried meats, and every variety of men's and women's wearing apparel. Occasionally a string of drying clothes stretched along the raft suggested the dooryard of a cabin rather than a floating village. Domestic animals and

⁶⁶ See Schultz, *Travels*, 1, 129-133, for early river navigation; also Hulburt, *Historic Highways*, 9.

⁶⁷ *The Americans as They Are*, 53.

⁶⁸ *Miners' Free Press*, May 14, 1839.

poultry mixed with ploughs, wagons and other agricultural implements took up the remaining room. So equipped, the movers floated down the river and if by good fortune they avoided the numerous snags and sandbars, in due time they reached the mouth of the Ohio where more strenuous labor commenced, for the raft must be "poled" to St. Louis, the distributing point of the Upper Mississippi. These rafts were broken up here and often brought the owner between five and fifteen thousand dollars according to the size.⁶⁹

"When in 1811 *The Orleans* went steaming down the Ohio from Pittsburg and when six years later the *Washington* convinced a despairing public that steamboat navigation would succeed on western waters, the new era in western history dawned."⁷⁰ In 1830 two hundred and thirty steamboats were navigating the Mississippi;⁷¹ by 1840 the number had increased to four hundred and fifty.⁷² In 1850 this river commerce was valued at \$550,000,000.⁷³ Lines of boats operated on the Wabash and on the Illinois terminating at St. Louis, also between Galena and St. Louis.

The first steamboats were not well fitted for river navigation. The builders had copied the models adapted to deep water navigation and as a result nearly all the boats drew too much water, becoming useless during the later summer months when the rivers were at a low stage. Owing to the patent held by Fulton on side-wheel steamers the stern wheel was adopted. Since the boats were very light in construction, many accidents occurred from 'snags.' Explosions, too, were frequent owing to defective boilers and carelessness upon the part of the operators. Two or three miles an hour⁷⁴ was the average rate of speed against the current and in 1820 six or eight miles was considered exceptional.⁷⁵

Many were the difficulties encountered by the pioneer steamboats and many were the inconveniences experienced by the trav-

⁶⁹ Jones, *Illinois and the West*, 35; Howells, *Recollections of Life in Ohio*, 85.

⁷⁰ Hulburt, *Historic Highways*, 9, 101.

⁷¹ *Niles' Register*, 64, 124.

⁷² *Memorial of the People of Cincinnati* (1844), 13.

⁷³ De Bow, *Industrial Resources*, 2, 400.

⁷⁴ Howells, *Recollections of Life in Ohio*, 74.

⁷⁵ *Emigrants' and Travelers' Guide through the Mississippi Valley*, 341.

elers. A voyage up the Mississippi is vividly described, but probably in an overdrawn manner, by one who made the trip in 1832. "This hour," he says, "you get upon a sand-bank, the next you are nearly snagged—driftwood in the river breaks your paddle—the pilot is found to be a toper—the engineer an ignoramus—the steward an economist—the captain a gambler—the black fireman insurgent and the deck passenger riotous. This moment you have too little steam and hardly advance against the current; another, too much and the boat trembles with the tremendous force exerted by the power that impels her. To complete your dismay the captain agrees to take a disabled steamboat, or a couple of heavily laden barges in tow for the next four or five hundred miles."⁶

The amount of travel on the large boats was great indeed. A boat of five hundred tons often carried one hundred cabin passengers and five hundred deck passengers besides four hundred tons of freight, making it a world in miniature. "In the cabin you will find ladies and gentlemen of various claims to merit; on the forward part of the boat the sailors, deck-hands and those sons of Vulcan—the firemen—possessing striking traits of character and full of noise and song and too often of whiskey; whilst above in the deck cabin there is everything which may be called human—all sorts of men and women, of all trades, from all parts of the world, of all possible manners and habits. There is the half-horse and half-alligator Kentucky boatman, swaggering and boasting of his prowess, his rifle, his horse and his wife. One is sawing away on his wretched old fiddle all day long; another is grinding a knife or razor; here is a party playing cards; and in yonder corner is a dance to the sound of the Jew's harp; whilst a few are trying to demean themselves soberly by sitting in silence or reading a book. But it is almost impossible—the wondrous tale and the horrible Indian story are telling; the bottle and the jug are freely circulating; and the boisterous and deafening laugh is incessantly raised, sufficient to banish every vestige of seriousness and thought and sense. A friend of mine some time ago went down from Cincinnati to New Orleans on board the steamboat

⁶ Latrobe, *Rambles in North America*, 1, 224.

* * * which carried fifty cabin passengers; one or two hundred deck passengers; one negro driver with his gang of negroes; a part of a company of soldiers; a menagerie of wild beasts; a whole circus, and a company of play actors."⁷⁷ German and Irish immigrants composed the greater number of the deck passengers. Exposed to the inclemencies of the weather many of these people were taken ill and on almost every voyage, up the river especially from the ports of the extreme south it was a common occurrence for some of these immigrants to fall victims to exposure. An exceptional case is noted in *Niles' Register* where on one trip eighteen passengers died from illness contracted through inadequate accommodations.⁷⁸

The cabin passengers enjoyed more comforts it seems, but accounts given by travelers are far from agreeing on this point. One account says, "the American steamboats are in the point of elegance superior to those of other nations, and none but the English are able to compete with them. The furniture, carpets, beds, etc., are thought elegant and in good condition. . . . The fare is excellent and the breakfasts, dinners and suppers are provided with such a multiplicity of dishes and even dainties as would satisfy the most refined appetite. The beverage consists of rum, gin, brandy and claret to be taken at pleasure during meals; but out of that time they are to be paid for."⁷⁹ Still another writer tells of Brussels carpets, chandeliers, armchairs, rocking chairs, mirrors and libraries and sometimes pianos on the Mississippi river boats.⁸⁰ Such descriptions, however, seem to be a little too brightly colored if we consider the impressions of western travelers during the thirties. "Happy he whose foresight has secured to him all the enjoyment of the luxury of his own clean towels as none but the disagreeable alternative of drying his person by the heat of the stove can be the fate of him who has not done this. As to making use of the common articles hung up for the accommodation of some thirty citizens in rotation no one can be termed . . . delicate for avoiding that,"⁸¹ says one.

⁷⁷ *Emigrants' and Travelers' Guide through the Mississippi Valley*, 342.

⁷⁸ *Niles' Register*, 46, 361.

⁷⁹ *The Americans as They Are*, 106.

⁸⁰ *New York Weekly Tribune*, June 17, 1843.

⁸¹ Latrobe, *Rambles in North America*, 1, 221.

An Illinois river steamboat of 1838 was described in a no less slighting manner. "There was but one bedroom candlestick on board and this was made with one candle to serve the four ladies' state-rooms in turn, one being obliged to go to bed, . . . the candle being then passed on to another. . . . Of towels also there was but one, which had to go the round from cabin to cabin in the same way; and the whole equipment in furniture, fare and attendance was upon the same starved, stinted and miserable footing."⁸²

The rules governing the actions of passengers were printed, framed and hung in a conspicuous place. The gentlemen were forbidden to go to the table without coats or in any garb which would disturb the company, neither should they enter the ladies' state-room without the consent of the ladies. Gentlemen were not to lie upon the beds with their boots or shoes on; they were not to smoke cigars in the state-room; neither were they to play cards after ten o'clock, nor at any time engage in conversation with the pilot. Marking on the furniture with a pencil or anything else which would disfigure it was also mentioned among the things not to be indulged in. Any transgression of the above named rules was punishable by a fine for the first offense; for the second, the transgressor was sent ashore.⁸³

In one point discipline seems to have been lax. Gambling on board the boats was prevalent to a marked degree. Not only did the ordinary passengers indulge, but there were gangs of professional gamblers who infested the principal towns from Pittsburgh to New Orleans and constantly traveled up and down the river fleecing all whom they were able to entice into games.⁸⁴ Murder, too, seems to have been no uncommon occurrence if we are to believe the current statements.⁸⁵

In 1831 a passage from Beaver, Pennsylvania to Cincinnati, by steamboat was twelve dollars; to Louisville, sixteen dollars; to Shawneetown, twenty-two dollars and to St. Louis, thirty-one dollars. From Philadelphia to St. Louis by stage and steam-

⁸² Buckingham, *Eastern and Western States of America*, 3, 207.

⁸³ *The Americans as They Are*, 106; Steele, *A Summer Journey in the West*, 155.

⁸⁴ *Emigrants' and Travelers' Guide Through the Mississippi Valley*, 343.

⁸⁵ *Niles' Register*, 54, 388.

boat the cost, including meals, was about fifty-five dollars; from New Orleans to St. Louis, thirty dollars; from St. Louis to Beardstown on the Illinois river, six dollars; to Quincy, six dollars and to Galena, twelve dollars. Deck passage was much cheaper. From Beaver to Louisville cost four dollars; from Louisville to St. Louis, three dollars; from New Orleans to St. Louis, eight dollars and from St. Louis to Quincy and Galena two dollars and three dollars respectively.⁸⁶

Prices were gradually lowered. By 1834 a traveler could procure cabin passage from New Orleans to Pittsburg for between thirty-five and forty-five dollars and deck passage for between ten and twelve dollars.⁸⁷ In 1837 the Western Transportation Line operating between Philadelphia and St. Louis by way of Pittsburg, Cincinnati and Louisville charged the following rates: To Pittsburg cost six dollars and the time for the trip was six and one-half days; to Cincinnati, eight and one-half dollars, time eight and one-half days; to Louisville, nine dollars, time nine and one-half days and to St. Louis, a distance of seventeen hundred and fifty miles, the cost was thirteen dollars and the time of travel, fourteen days. Packets which reduced the time cost more. The company charged seventeen dollars to Cincinnati, nineteen dollars to Louisville and twenty-seven dollars to St. Louis.⁸⁸

After 1840 from New York to Cincinnati cost only twelve dollars; to Louisville, thirteen dollars; to St. Louis, fourteen dollars and to Galena, sixteen dollars.⁸⁹ Meals were not included. Their average cost was thirty-seven and one-half cents each.⁹⁰ Stage travel cost six cents per mile.⁹¹ Deviations from these prices were often made when a party consisting of a large family or number of families desired passage to one place.⁹²

The rates for the transportation of goods were in accordance with prices of travel. Sixty-two and one-half cents per hun-

⁸⁶ *Illinois Monthly Magazine*, 2, 52.

⁸⁷ *Emigrants' and Travelers' Guide through the Mississippi Valley*, 341.

⁸⁸ *Illinois in 1837*, 67.

⁸⁹ Kapp, *European Emigration to the United States*, 70.

⁹⁰ Mitchell, *Sketchbook of Illinois*, 27.

⁹¹ *Ibid.*

⁹² *Niles' Register*, 48, 242.

dred weight was the customary charge from New Orleans to St. Louis; to Cincinnati it was about seventy cents and to Pittsburg between seventy-five cents and one dollar. Down stream charges were less; thirty cents per hundred weight for dry goods was the cost from Pittsburg to Cincinnati; three and one-half dollars per ton for iron goods for the same destination.⁸³ To other points proportionate charges were made.

The Ohio river route was one of the great highways to the West during the period 1830 to 1850. Some idea of the volume of travel down this river may be had by an examination of the newspapers published in the towns along the river. The *Cincinnati Mirror* of September 6, 1834 says: "We are so completely overrun by emigrants or movers with carriages, wagons, cattle, horses, dogs and sheep that we are compelled to speak. Our streets are a moving mass of living men, women, children and everything joyously wending their way to their new habitations." During the next decade the tide had in nowise diminished. "The number of emigrants who have left this city," says the *Cincinnati Gazette*, "for the northern part of Illinois and Iowa Territory by the way of St. Louis, as we are informed by the officers of the boats, has been unusually large this season. Boats leave our landing almost daily, crowded with substantial emigrants from the back country with their live stock and farming apparatus bent upon seeking their fortunes in the West."⁸⁴

In the thirties the guide books published for the use of immigrants to the West frequently advised those intending to move to do so in wagons. The expense was less than by other methods. Live stock could be moved with less difficulty and if occasion required the lighter goods only would be taken in wagons and the heavier and bulkier farming implements sent over the Lakes or down the Ohio. Sometimes furniture was sent from New England all the way to Illinois by water, going down the coast, around by New Orleans and up the Mississippi.⁸⁵ In these cases someone generally made the trip that way to look after the goods.

⁸³ *Emigrants' and Travelers' Guide Through the Mississippi Valley*, 357.

⁸⁴ *Cincinnati Gazette*, April 21, 1842.

⁸⁵ *Stories of the Pioneer Mothers of Illinois*. (Mrs. Julia Wolcott Carter's story. MSS. in Illinois Historical Library.)

Prior to 1830 the ox-cart was much used for transportation by those taking land routes to the West. These carts were not built for rapid transit but rather for capacity. A yoke of oxen hauling an enormous load generally lounged onward at the rate of one and one-half miles an hour. After 1830 wagons began to be seen in greater numbers and in the autumn months when the weather was mild, the roads dry and hard and the rivers fordable, after the crops of the year had been gathered and sold, and when the cattle were fat and in good traveling condition, wagon after wagon, caravan after caravan could be seen rattling along the roads to the West.

All along the highways of travel the newspapers made occasional note of parties of more than ordinary size. From these articles we are best able to gain an idea of the volume of westward travel by means of land conveyances. "On the 27th ult., quite a caravan of the hardy sons of Pennsylvania passed through this city on their way to Stephenson county, Illinois. There were fourteen wagons and sixty-one persons."⁹⁶ Again, "on Thursday the 15th inst., about one hundred and fifty persons passed through this place southward, emigrating to Illinois or perhaps to Missouri. They had their plunder in twenty-two or twenty-three wagons."⁹⁷ One man traveling through Indiana towards Vincennes counted four hundred emigrants' wagons within a distance of fifty-five miles.⁹⁸ The *Wheeling Times* in 1839 speaks of the unprecedented amount of travel by wagons passing through the town.⁹⁹ Numerous other newspaper extracts to the same effect can be found. It seems probable that those people living at any great distance from the great waterways used wagons in traveling westward. This is especially true among the farmers. There is, however, no way of determining what percentage used this method of travel in preference to the water routes.

The vehicles were of every kind; sometimes no vehicle was used, for many a man traveled the whole way from the East on

⁹⁶ *Madison Express*, July 27, 1843. (Extract from the *Michigan City Gazette*.)

⁹⁷ *Chicago Weekly Democrat*, June 18, 1834.

⁹⁸ *Niles' Register*, 47, 163.

⁹⁹ *Madison Enquirer*, June 8, 1839.

foot. "Sometimes the light wagons containing the possessions of the movers were drawn by the people themselves, the head of the family between the shafts of the wagon, harnessed with a collar and traces, while the rest of the family according to their strength pulled with ropes attached to various parts of the vehicle.¹⁰⁰

The pioneers from Pennsylvania, Ohio and the southern states betrayed their nativity and prejudice in the schooner-shaped wagon box, the stiff tongue, the hind wheels double the size of the forward ones and closely coupled together, the whole drawn by a team of four or six horses guided by a single line in the hands of the teamster riding the high wheeler. The harness was of gigantic proportions; the massive leather breeching, the heavy harness and collar, the immense housing of bearskin upon the harness, the heavy iron trace chains, and the ponderous double-tree and whiffle-trees all made a striking picture.

The New Yorker and immigrant from farther east, was marked as far as his caravan could be seen by a long coupled, low boxed, two horse wagon provided with a seat, from which with double lines the driver guided his lightly harnessed pair of horses.¹⁰¹ Occasionally the old 'steamboat' wagons were seen, bearing some resemblance to the crooked, heavy wagons used by the people from the southern states.

The contents of the immigrant wagons were astonishing indeed in amount as well as variety of articles. A glance under the canvas covering disclosed a startling array of baggage—if "women, guns, rifles, boys, girls, babies and other nick-nacks"¹⁰² may be called baggage. Below on the axles of the wagons dangled pots and kettles of all forms and sizes. Sometimes dogs and even cats were included among the movables of the immigrating families. To the Yankee mover, a plough, a bed, a barrel of salt meat, a supply of tea and molasses, a Bible and a wife were the indispensable articles.¹⁰³

In front of these westward moving caravans rode the older

¹⁰⁰ *Niles' Register*, 22, 320.

¹⁰¹ *History of Grundy County (Ill.)*, 149.

¹⁰² *Niles' Register*, 52, 240.

¹⁰³ Chevalier, *Society, Manners and Politics in the United States*, 112.

sons and sometimes the daughters. Their duties were chiefly to attend to the driving of such domestic animals as had been brought along. Sometimes a considerable amount of live stock was driven along by the movers—one family came with five hundred sheep, another man drove one hundred and fifty hogs but as a general rule a few horses and cows, several sheep and hogs made up the wealth of the pioneer.

Mr. Howells in his book on pioneer life in Ohio gives an amusing description of the difficulties experienced in driving the domestic animals—"to start off with a mixed drove of animals was no trifling affair, for, though they would drive pretty well after getting used to the road and a day or two's experience, their obstinacy and contrariness at first was without parallel, and a boy to each animal was little enough. First a pig would dart back and run like a deer till he was headed and turned, by which time the others would meet him and all have to be driven up; while in the meantime a cow or two would be sailing down a by-lane with elevated head and tail, and a breathless boy circling through a field or the woods to intercept her career; and then the sheep would start over a broken piece of fence, the last following the first and leaping higher over every obstacle till they were brought back to the road."¹⁰⁴ It was not an uncommon occurrence, too, for the horses to be seized with sudden homesickness during the night and depart for more familiar scenes.

Excessively warm weather and numerous flies sometimes so worried immigrants that they resorted to night traveling,¹⁰⁵ being unable to make progress during the day. When the movers traveled in the day time their nights were passed in camp. If a number of families were traveling together, when night came the wagons were grouped in a neighborly fashion in a convenient spot where water and wood were close at hand. The fire was lighted and the camp utensils brought into use in the preparation of supper while the men unharnessed the dusty horses and turned them loose on the rich unfenced prairie pastures. The scores of happy children liberated

¹⁰⁴ Howells, *Recollections of Life in Ohio*, 87.

¹⁰⁵ *History of Bond and Montgomery Counties*, 328.

from the tiresome day's journey romped through the grass enjoying to their greatest capacity an unlimited play ground. Beds were made up in the wagons and sometimes on the ground when the weather permitted. In the morning the bustle of preparation began, the stock was rounded up and started along the road, horses harnessed and soon the work of another day had begun.

The progress of such caravans was not rapid, being about fifteen miles a day.¹⁰⁶ From the eastern states seven¹⁰⁷ to nine¹⁰⁸ weeks were consumed in making the trip to Illinois. Sometimes heavy roads made the journey even more difficult. The colony which settled at Geneseo, Illinois in 1836, came along a road through Michigan which was so nearly impassable that but seven miles were covered in six days.¹⁰⁹

It is scarcely possible to make any estimate of value concerning the cost of the overland travel. The equipments of the pioneers, the amount of stock and the cost of tavern meals varied greatly. Occasionally a scrap of information is found which will serve as an illustration. A family of eleven persons with two wagons, several cows and five hundred sheep came a distance of two hundred and fifty miles to Illinois, in twenty-one days at a cost of ten dollars spent for food.¹¹⁰

In the extreme western states taverns for the accommodation of travelers were not numerous. Good houses of entertainment were not to be found at all and such taverns as there were did not receive much patronage from the immigrants who generally brought all their supplies with them. Tavern prices were regulated by the county commissioners court. Meals cost from twenty-five to thirty-seven and one-half cents; lodging, twelve and one-half cents a night. Horses were cared for at a rate of fifty to seventy-five cents a day.¹¹¹ The people who frequented these taverns were of all classes and stations but the

¹⁰⁶ *History of Grundy County (Ill.)*, 314.

¹⁰⁷ Beckwith, *History of Vermilion County (Ill.)*, 381.

¹⁰⁸ *Thirtieth Anniversary of the Settlement of Geneseo (Ill.)*, 5

¹⁰⁹ *Ibid.*

¹¹⁰ Dula, *Good old Times in McLean County*, 217.

¹¹¹ Bent, *History of Whiteside County (Ill.)*, 57; Perrin, *History of Effingham County (Ill.)*, 40.

predominance of hunters and small farmers gave marked frontier characteristics to them.

Since the early settlers of the state came from all directions in all sorts of conveyances, at all times of the year, with varying amounts of property and at costs varying as greatly as the conveyances used and the roads traveled, it is extremely difficult to draw any conclusions save very general ones. One, however, may be reached. The settlers who located in southern and western Illinois generally came by way of the Ohio and Mississippi rivers; those who settled in the northern part of the state, by way of the Great Lakes; while the majority of the pioneers of eastern Illinois came by wagons over no beaten road. The migration to this part of the state is illustrative of the simple agricultural immigration which goes on steadily and so quietly as to attract little direct attention and consequently is to be characterized with difficulty.

CHAPTER V

THE ILLINOIS AND THE FOX RIVER VALLEYS

Owing to the conditions which influenced the time as well as the character and rapidity of settlement of this part of the state, the Illinois river valley is divided into three parts: the counties along the middle Illinois, those along the upper Illinois and those in the Fox river valley.¹ The counties of the middle Illinois river valley were settled to quite an extent under the influence of the Sangamon country and much earlier than the northern counties, both Tazewell and Putnam counties having organized local governments before 1830. In the upper Illinois river counties the influence of the Illinois-Michigan canal is noticeable both in the character and location of settlement. Likewise the influence of lake transportation was of much importance in the settlement of the Fox river valley.

Although the Sangamon country was quite thickly settled by 1830, Mason county, joining it on the north, had but few settlers and not until 1841 was it organized as a county. During the period 1821-1825 the county was surveyed and the land opened for settlement; but owing to the fact that it was regarded for years as a sandy, barren waste fit only for the abode of hunters and others who did not depend on agriculture for a living, few pioneers came to settle here, preferring instead to go further towards the frontier.²

¹ The middle Illinois counties are those on the eastern side of the river north of the Sangamon river; Mason, Tazewell, Woodford, Marshall and Putnam. Those on the western side are included in the Military Tract. La Salle, Grundy and Will counties are grouped under the head of upper Illinois river counties, while in the Fox river valley are the counties of Kendall, Du Page, Kane, McHenry and Lake.

² *History of Menard and Mason counties*, 408.



Section west of the prairie line is more than 20 per cent. woodland. Year indicates date of county organization.

Havana, dating from 1832, seems to have been the most important settlement of early days. Its growth must have been very slow, since six years elapsed before the building of the first house.³ After 1834 groups of Canadians⁴ and Germans⁵ settled here, who, by 1850 formed a large part of the settlement which was still the most important one in the county. In other parts settlements grew no faster until after 1840.⁶

The character of the settlements shows the influence of location. An examination of nativities brings out the fact that the greater number of the early settlers came from Kentucky, Tennessee and Virginia, although New England and the Middle Atlantic States had numerous representatives. There were also settlers who came from Indiana and from the older counties of Illinois. Of the foreigners present, Germans were in the majority. The timbered parts of the county were taken up first by the Kentuckians and Tennesseans and when, during the period of speculation just previous to the financial panic of 1837, the New Englanders and the settlers from the Middle States came, they were compelled to take up the unoccupied territory which generally meant the small prairies. More rapid growth took place during the forties and in 1850 there were 5,900 settlers in the county.⁷

Tazewell county which was organized in 1827,⁸ had 4,700 settlers by 1830,⁹ most of them being pioneers of the type most frequently found in the hardwood districts of the middle West. While immigrants came in steadily during these years, it was after 1830 that the most rapid increase came.

In 1836 Tremont in the central part of the county was established by a New England colony. Jones in his *Illinois and the West* (1838) gives a decidedly favorable description of the town, saying that it was beautifully laid off with wide streets and a public square around which were arranged the business

³ *Ibid.*, 520.

⁴ *Ibid.*, 411.

⁵ *Ibid.*, 509.

⁶ Bath, Mason City, Allen's Grove, Crane Creek and other places each claimed a few settlers.

⁷ *Seventh Census* (1850), 702.

⁸ *Historical Encyclopedia of Illinois*, 355.

⁹ *Seventh Census* (1850), 702.

houses. The frame houses which composed most of the dwellings of the town were painted white, giving the village a very neat appearance. Three-fourths of the population were New Englanders, which probably accounts for the orderly appearance of the village.¹⁰

A colony of importance was established in 1837 at Delavan in the southern part of the county, being the result of the efforts of a company of enterprising Rhode Island farmers. Like other companies of the time it was a stock company with a capital of \$44,000. An agent sent to Illinois purchased 23,000 acres of land for the company and, to the great surprise of all, located the tract upon the open prairie, at that time an unheard of proceeding. Not a bush or a tree was in sight but nevertheless the proprietors seemed well satisfied with the choice and families immediately began to come in.

For a time they were lodged in the common home which was the first building erected in the town of Delavan. The erection of such houses seems to have been a rule among the companies sending colonies to the West and probably the idea was to guard against discouragement of the new settlers and alleviate the hardships attendant upon the opening up of a new country. When the settlers were desirous of making homes for themselves at the earliest possible date such an arrangement certainly must have been advantageous, but should any be inclined to live at the company's expense this convenience must have been abused. No time limit appears to have been placed upon the stay in the common home but probably such a safe-guard was provided.

One point of the contract signed by the members of the company deserves mention as something out of the ordinary. No ardent spirits were ever to be brought into the town and sold or used as drink.¹¹ This clause also appears in the laws of the Rockwell colony in La Salle county.¹²

Still another colony was founded in Tazewell at this time, at Mackinaw on the south side of the Mackinaw stream. As

¹⁰ Jones, *Illinois and the West*, 72.

¹¹ *The New Yorker*, Aug. 31, 1839.

¹² *Ibid.*, Aug. 20, 1836.

in the case of the Delavan colony, a common house was first erected and in 1838 was occupied by several families who were waiting for the completion of their homes.¹³

Washington, in the northern part of the county and Pekin on the Illinois river were the other important villages in 1840, the latter being a typical western town, with flouring mills, saw mills and pork packing industry. To some extent it was the point of contact between the back country and the outer world, gaining by advantage of location such commerce as the demands of the settlers increased. Other settlements brought up the number of inhabitants to 7,200 in 1840.¹⁴

During the early years of the succeeding decade the increase in population was slow, owing to financial depression, but after 1845 the number of settlers coming to the county gradually increased. The number of southern immigrants decreased and that of northerners increased but the growth of population was not rapid, probably on account of the opening to settlement of the northern and eastern counties of the state. The gain in population had been about 4,000 since 1840 and the county now had a population of over 12,000,¹⁵ with three towns, Pekin, Tremont and Washington of some importance.

Judging from the small number of towns and from the fact that but one, Pekin, had over a thousand inhabitants it seems safe to conclude that the population was an agricultural one. Small streams with timbered banks traversed the county, offering an ideal country for the agricultural pioneers who, by 1850, had placed under cultivation almost 73,000 acres of the land. There still remained uncultivated some 92,000 acres, nearly all of which was back from the rivers, away from the timber.¹⁶

Settlers began to come to Woodford county in 1819 and by 1830 some forty-five arrivals, chiefly from Kentucky, Tennessee, Ohio and Indiana had been received. In 1832, owing to the Indian troubles, Woodford did not increase rapidly, since the county was on the extreme frontier and not well protected

¹³ *Western Pioneer*, May 18, 1838.

¹⁴ *Seventh Census* (1850), 702.

¹⁵ *Seventh Census* (1850), 702.

¹⁶ Peyton, *Statistical View of Illinois*, 13.

against Indian raids. Up to 1850 Metamora was the most important settlement. In 1835 a company of settlers from Hanover, New Hampshire, had settled here giving the name Hanover to their village. They were as welcome to the Kentuckians then living in the county "as a band of Hottentots." In 1843 the village became the county seat and the name was changed to Metamora. In this year the first store was built.¹⁷

The settlements in the county during the period from 1831 to 1850 were numerous but small, composed of little groups of settlers who built their cabins on the edge of the timber and enclosed enough prairie land for cultivation. The eastern part or the prairie district of the county was not settled for several years after 1850 and then only by the aid of the railroads,¹⁸ and it is safe to say that of the 36,000 acres of land under cultivation in 1850¹⁹ the greater portion was in the western part of the county near the river.

In character of its settlers, Woodford county was typical of the counties of the Middle Illinois Valley. Almost before the Kentuckians and Tennesseans were comfortably settled upon their little farms on the borders of the timber lands Virginians, Carolinians, New Yorkers, Pennsylvanians and others were crowding in also. Men of all classes, nationalities and stations met here. There were men who had been with Napoleon at Austerlitz; who had followed him on his ill-fated Russian expedition; exiled Poles; Bavarians; men who had sat in the legislatures of conservative New England; abolitionists from the same section and slaves from the south. Half the states of the Union were represented here and many foreign countries.²⁰

Since 1829 settlers had occupied Marshall county. Lacon, on the Illinois river served as the shipping point for the farmers and bade fair to become one of the most important of the towns along the Illinois river. The site was purchased by a company of Ohio men in 1831 and the town of Columbia laid out. During the next few years quite a number of settlers came from

¹⁷ *History of Woodford County*, 238 ff.

¹⁸ *History of Woodford County*, 400.

¹⁹ Peyton, *Statistical View of Illinois*, 13.

²⁰ *History of Woodford County*, 227-235.

Ohio, and the village grew until 1837.²¹ In the western part of the county, Henry was the most important settlement. Its growth is illustrative of that of many of the settlements of Illinois during this period. Founded in the early forties when the state was in its financial difficulties, growth was slow until after 1845 when better times came; by 1853 the population numbered over one thousand.²²

Among the settlements proposed in the period before the panic, few grew into realities. Lyons, Dorchester, Auburn, Centerville, Troy City and Chambersburg were all laid out during the period of speculation, but these ventures like many others of the time failed to fulfill expectations, and farms took the places of the proposed cities. For a time the town of Webster was a thriving settlement but it was later abandoned owing to the unhealthfulness of the location.

Although Kentuckians and Tennesseans were first in the groves of Marshall county,²³ Ohio and New York had a number of representatives, while the name Yankee Street denoted the presence of New Englanders. In 1850 nearly 5,200 settlers²⁴ were in the county and since but 36,000 acres of land were cultivated²⁵ it seems reasonable to assume that little of the prairie was taken up excepting along its edges.

Putnam county which was organized in 1825 had in 1830 about 700 inhabitants.²⁶ In 1850 there were but 3,900.²⁷ Hennepin, the county seat and only settlement receiving recognition in the Federal census of 1850, dates from 1829. In 1831 the town lots of Hennepin were advertised in the Springfield, Galena and Terre Haute papers but growth was slow, for eleven families composed the population in 1833,²⁸ and in 1850 there were but four hundred and thirty settlers here.²⁹ Granville, Florid and Mt. Palatine were the chief villages but important

²¹ Ford, *History of Putnam and Marshall Counties*, 106.

²² *Ibid.*, 118.

²³ *Ibid.*, 142.

²⁴ *Seventh Census* (1850), 702.

²⁵ Peyton, *Statistical View of Illinois*, 13.

²⁶ Ford, *History of Putnam and Marshall Counties*, 29.

²⁷ *Seventh Census* (1850), 702.

²⁸ Ford, *History of Putnam and Marshall Counties*, 87.

²⁹ *Seventh Census* (1850), 714.

only in showing the tendency of the early settlers to locate near lines of communication. In the last case the tendency is especially noticeable for the village attained what little importance it enjoyed from its location on the Peoria-Ottawa state road. Northern pioneers were the most numerous in this county and of the New Englanders present Massachusetts furnished the greatest number.³⁰

In closing the discussion of this part of the state it may be said that these counties along with those across the river, show themselves to be border counties, the meeting place of the hunter-pioneer and the farmer types of settlers. Following the results of experience gathered by generations of pioneers, the Kentuckians and Tennesseans clung to the timber land and consequently advanced a considerable distance up the Illinois river toward the northern part of the state. Close on their heels through the lower counties, were the New Englanders and New Yorkers, and in the upper counties of the region, when the settlements were not well established and were comparatively wide-spread, we see the northern element taking the lead in numbers. An examination of county histories will show that in Mason and Tazewell counties, the great majority of pioneers were southern men, in Woodford the percentage was not so great, in Marshall, still less, and in Putnam, the northern county, the southern pioneer was an exception.

The reason seems evident since the locality was quite distant from the influence of those southern communities below the Sangamon river. Moreover, as the Kentuckian moved farther and farther northward the Yankees became more and more numerous much to his disapproval. Settlers from New England and New York had begun to swarm in during the thirties and taking up the unoccupied timber land, the frontier-loving southerner could no longer find country wild enough and far enough removed from the limits of civilization to make an ideal frontier.

Here was the beginning of the conflict between the hunter-pioneer of the South and the agricultural pioneer of the North. The hunter needed the woodlands for a field from which to

³⁰ *Illinois in 1837*, 100.

gain his livelihood; he needed the game which lived within its limits and he needed little land for agriculture. His progress northward so far had been carried on with comparative speed owing to the fact that he met little opposition from any other type of frontiersman. In the southern counties, being first upon the scene, he took up the timber land at his leisure, cleared his plot of ground and lived a life which satisfied him. The New Englander and the man from the Middle States, arriving somewhat later, took what was left and occasionally it was the prairie land, as seen in the instance of the Tremont settlement in Tazewell county. So far the hunter was firmly established in his native region, the woodland, and was slowly undergoing the transition from hunter to farmer.

The stream of settlers coming to the northern counties was different in character. There was no desire among these pioneers to use the timber lands for hunting purposes but rather for an aid in conquering the prairies. Faster and faster these farmers poured into Illinois by the lake route. They filled up the timber quickly and soon began to experiment with the prairies. Weight of numbers and unity of purpose combined to check the advance of the southern man, who, upon finding the groves claimed, was compelled to look elsewhere for his kind of country.

The population of the counties in this district amounted to 31,500 in 1850, the greater part having come in the decade 1841-1850 after the end of the financial depression.³¹ Havana, Pekin, Lacon and Hennepin were the chief towns, each one situated on the Illinois river and deriving its importance from its location on the common line of communication with the older settlements of the south. Of the 500,000 acres of land in this district 220,000 were under cultivation.³²

Few settlers had come to the counties of the upper Illinois valley before the Black Hawk War, La Salle county, which was organized in 1831 being the only one with many settlers. Beginnings of settlement were made at Ottawa in 1823 but the Indian outbreak of 1832 put a stop to its growth. The Yankee

³¹ *Seventh Census* (1850), 701, 702.

³² Peyton, *Statistical View of Illinois*, 13.

settlement at Hickory Grove was the largest one in Will county and this with Ottawa, was the only one in this part of Illinois, strong enough to exist through the Indian War.

Some experiments in establishing colonies were tried here but met with little success. The Rockwell colony, based upon the principle of exclusion of intoxicating liquors, was an interesting but unsuccessful New England experiment.³³ In 1830 a colony of young men from Northampton, Massachusetts, desiring to obtain a suitable site for a settlement, sent commissioners to the state to make a selection of lands. Influenced by the fertility of the soil, by the reported existence of immense coal beds and by the proposed canal and railroad communications, the committee fixed upon La Salle as the most advantageous location. Several settlers came during the year, a cabin was erected upon the site of La Salle town, but owing to the inclement weather the greater number of the new settlers moved away.³⁴

The Black Hawk War effectually put a stop to settlement in these counties for the space of a year, driving the greater part of the settlers back upon the stronger settlements in the south and practically checking the spread of the hunter-pioneer class long enough to allow the swarms of New Englanders and New Yorkers to gain possession of the northern part of the state and successfully exclude the southern men.

From the end of this war until the financial crash of 1837 there was a decidedly rapid growth of population along the Illinois river. The Illinois and Michigan canal from Chicago to the Illinois river, was to connect with the latter somewhere in La Salle county. Settlers flocked in hoping to obtain lands on or near the proposed line. When the land sales were made in 1835, however, the speculators present took the lion's share, leaving but a small portion for the actual settlers. During the following year came the greatest immigration of the period. Ground was broken for the canal, July 4, 1836, and the begin-

³³ *The New Yorker*, Aug. 20, 1836.

³⁴ *Past and Present of LaSalle County*, 187; *History of LaSalle County*, 296.

ning of active operations no doubt tended to increase greatly the crowd of new comers.³⁵

Ottawa was still the chief town of La Salle county, having a population of seven or eight hundred, most of whom were "Yankees—a shrewd, selfish, enterprising, cow-milking set of men."³⁶ A few stores, frame houses and Kentucky log cabins composed the settlement.³⁷ Peru, a few miles farther down the river, had sprung into existence shortly after the Black Hawk War. The growth which took place soon after it was laid out in 1834 was due to the fact that work on the canal and railroads began soon after.³⁸

The arrival, at this time, of the first band of Scandinavians was an event of some importance in the settlement of this part of Illinois. From New York they followed the easiest and most natural route to the state along the line of the Great Lakes. The arrival of these foreigners gave a forecast of the influence which the northern line of transportation was to have upon the character of the settlements in these counties, for soon there was to be a great throng of foreigners poured through the Chicago gateway upon the prairies.

In Grundy county, a fringe of settlers established themselves along the canal, but the spread of settlement was seriously interfered with by the operations of land speculators who proceeded to buy up the lands back from the squatters' claims bordering the canal. Advanced prices forced the later settlers to look elsewhere for homes and as a consequence the development of the county was not rapid. Its chief settlement, Kankakee City, was the outgrowth of the speculation of the times and is a good example of the mushroom type of cities. In its best days the population numbered seventy-five; lots were sold in New York and Chicago for thousands of dollars, but the city fell with the crash of 1837, and today the site of the once promising Kankakee City is a farm.³⁹

³⁵ *Past and Present of LaSalle County*, 104.

³⁶ *The Chicago Weekly American*, Feb. 4, 1837.

³⁷ *The New Yorker*, June 10, 1837.

³⁸ *Past and Present of LaSalle County*, 306.

³⁹ *History of Grundy County*, 319.

For two or three years following the eventful 1832, few settlers came to Will county, but the land sale at Chicago in June, 1835, brought many immigrants. Farmers, speculators and city promoters, jostled each other in their attempts to acquire the more desirable portions. Those wishing land for homes were, owing to a lack of ready money, not so fortunate in obtaining large quantities of ground as was the class of speculators which took up section after section, and platted town after town, some of which were never to know an existence. Palmyra, Williamsburg, Middletown, Vienna, Carlyle, West Lockport, New Rochester, Buffalo and Lurenbergh were all laid out but were soon abandoned.⁴⁰

All efforts at town-making were, however, not futile, and where towns were not attempted, the little clusters of farm houses clinging to the timber showed a steady advance in the numbers of settlers and by 1836 the population was great enough to warrant the formation of a new county.⁴¹ New Englanders and New Yorkers, traveling westward over the lakes either to Chicago or Detroit and from there by land, found their way to Will county, founding Plainfield, Lockport, Joliet and other places. A group of Ohioans, more venturesome than their neighbors, or from necessity, at this time dared the prairie and took up their abode in the eastern part of the county at Monee.⁴²

Lockport for a time seemed to offer the greatest possibilities for growth. Anticipating its importance, settlers congregated here, believing that its situation on the Illinois-Michigan canal assured its success as a city. Gradually it grew in importance and when the canal was opened in 1848 it became a shipping point for the farmers of the surrounding country who were eager to dispose of their surplus products in the most advantageous markets.⁴³ Joliet, which in 1835 was but a small village, increased in size during the succeeding years and was, in 1837, the largest town in the county.⁴⁴

⁴⁰ Woodruff, *Joliet and Will County Forty Years Ago*, 33.

⁴¹ *Historical Encyclopedia of Illinois*, 589.

⁴² *History of Will County*, 567.

⁴³ *History of Will County*, 432.

⁴⁴ *Illinois in 1837*, 123, gives the population as six hundred but the estimate must be taken with caution, as the book is not entirely reliable.

The period 1832-1837 while one of beginnings was also one of rapid growth. Fear of the Indians had at last been removed, new lands had been opened up and work on the canal begun. Steam navigation on the lakes was rapidly attaining great dimensions, which, with the influences previously mentioned and the almost universal desire for speculation in lands and property, tended to make this period one of exceedingly great importance in the settlement of this part of the state. Besides the villages of Peru, Ottawa, Plainfield, Lockport and Joliet, numbers of smaller ones had been made and hundreds of solid New Englanders and New Yorkers had already established themselves in the most desirable portions of the counties.

The bursting of the bubble of speculation in 1837 put a stop to settlement for a time, however, and those parts of the state dependent upon the advance of work on the canal for their own increasing importance, felt a severe shock when, owing to financial embarrassment, work on the system of internal improvements was, for the time, abandoned. Farm products declined greatly in value but even in the face of this many of those employed on the canal turned their efforts to farming when operations on the canal ceased.

During the early years of the financial crisis the effect was not so noticeable as it was in later years. The Rockwell Land Company of Norwich, Connecticut, which had for several years been interested in La Salle county lands sent one hundred colonists to the county in 1837-38. The settlement gave promises for the future but sickness among the settlers soon caused its depopulation. At one time it contained some two hundred inhabitants.⁴⁵

From the time La Salle was laid out in 1837 until work on the canal and railroad ceased in 1841 there was a period of activity and rapid growth, but decline began in 1840.⁴⁶ Immigration practically ceased and in 1843 La Salle had only about one hundred inhabitants.⁴⁷ Ottawa, the only town not showing the effects of the cessation of work on the canal, grew apace and

⁴⁵ *Past and present of LaSalle County*, 296.

⁴⁶ *Ibid.*, 297.

⁴⁷ *Ibid.*, 301.

from 1837 to 1840 doubled its population, becoming the most important city in that portion of the state. One thousand inhabitants, exclusive of canal laborers, composed its population. New Yorkers and New Englanders were present in the greatest numbers with a smaller representation from Pennsylvania, Ohio, Kentucky and other western states.

In Joliet especially it is said that the people suffered actual hardships during this period of financial trouble. The same is true of Lockport which, as has been said, seemed to give promise of becoming a prosperous town. Wheatland, settled by a number of Vermonters who made the journey overland from their native state, was the only new settlement of note established during the period.

By 1842 the financial aspect of the state began to brighten and immigration to increase. By 1846 repudiation was no longer thought of, confidence had increased to such a degree that immigrants to the West gladly settled in Illinois instead of turning to the north or going still farther to the west. From this point the future of the state was assured and when work was again resumed on the canal and the railroad, the surrounding country began a most rapid development.

The following period, 1843 to 1850, was one of gradual revival. Little by little the tide of immigration increased and with the increase came the necessity of conquering the problems of the prairie. Step by step the pioneers advanced into the open until the smaller spaces between the lines of timber were entirely taken up. By 1850 about eighty per cent. of the land of La Salle county was under cultivation; forty-five per cent. in Grundy county and a somewhat smaller portion in Will county owing to its more extensive prairies.⁴⁸

Most important of the settlements along the upper Illinois was Peru which, owing to its advantageous position on the line of water communication with the Great Lakes by means of the Illinois river and the canal, and its communication assured with the northern and central portions of the state by railway, had

⁴⁸ *Seventh Census* (1850), 728.

become a town of 3,000 people who were at the close of our period taking steps to procure a city government.⁴⁹

La Salle, in a way, illustrated the type of western towns of the time. Its two hundred inhabitants were, according to accounts, of none too good a class. One traveler says that upon inquiry at one or two of the stores he "ascertained that there were Christians in the place."⁵⁰ The two Ottawas which had a combined population of over 3,200 people⁵¹ were described by the same author as making "a beautiful and flourishing village . . . laid out and built with considerable taste and beauty."⁵² It probably derived its neatness from the New England population which was in the majority here. Streator and Mendota, today towns of considerable size, were as yet not thought of, needing the railroads to call them into existence.

Will county in 1850 had 16,700 inhabitants and Joliet, the county town, had a population of 2,659.⁵³ In its growth of business and development of industries, we see the influence of the shrewd New Englander and New Yorker. Mills and quarries were in successful operation, fifty stores supplied the wants of the townspeople and of the farmers of the surrounding country, while the moral, religious and intellectual welfare of the community lacked nothing in the way of churches, schools and newspapers.

Norwegians, "Pennsylvania Dutch" and thrifty German farmers now came in numbers and added their stolid industry to the shrewd, sharp methods of the New Englander, each in his respective way adding to his own welfare and to the wealth of the country. The foreign population, however, did not become of much importance until after 1845.

An examination of the nativities of the pioneers who came to this part of Illinois before 1850 shows the influence of location upon the character of the settlements. Closely connected by

⁴⁹ *Past and Present of LaSalle County*, 309.

⁵⁰ Curtiss, *Western Portraiture*, 812.

⁵¹ *Seventh Census* (1850), 710.

⁵² Curtiss, *Western Portraiture*, 63.

⁵³ *Seventh Census* (1850), 716.

the Illinois river, with the settlements of the southern and central parts of the state it is natural to expect the presence of southern settlers in these counties. But they appear here only in very small numbers, being entirely outnumbered by the New Englanders and New Yorkers who came by way of the Great Lakes. The pioneers of Grundy county came principally from southern Ohio with a number from the southern and eastern states.⁵⁴ Most of the families had been pioneers in older settlements in the states from which they came, and, having been trained on the frontier, regarded it as the most attractive home. During the last years of the forties Norwegians began to come in chiefly from La Salle county. They were soon joined by others. In Will and LaSalle counties the scarcity of settlers from the southern states is plainly noticeable.⁵⁵

The statistics given show more plainly than before the influence of lines of communication. The New Englanders and New Yorkers were farther removed from this part of Illinois than were the Kentuckians and Tennesseans or their neighbors of southern Illinois. Steam navigation, however, tended towards the annihilation of distance and the Great Lakes offering the highway to the fertile Illinois lands played by far the most important part in fixing the characteristics of this northern settlement.

It must be noticed also where these pioneers settled. The wide bottom lands of the larger Illinois rivers, which, from unhealthfulness and liability to spring overflows, had kept the set-

⁵⁴ *History of Grundy County*, 148.

⁵⁵ Three hundred biographies of Will County pioneers were examined with the following results: one hundred and sixty came from the Middle Atlantic states, and of the e one hundred and thirty-six were New Yorkers; forty came from New England; seventy-five from foreign lands, one-third of the foreigners being Germans; sixteen were from the western states; six from the southern states and but three from Kentucky and Tennessee (*History of Will County*, 650-906). Eight hundred biographies of early settlers of LaSalle county were examined. Three hundred and sixteen came from New York, Pennsylvania and New Jersey; New York sent two hundred and twenty; two hundred and eight came from New England; one hundred from Ohio; one hundred from foreign lands; thirty from the South Atlantic and Gulf states and but eighteen from Kentucky and Tennessee (Baldwin, *History of LaSalle County*, 225-483). Combining the statistics noted it is found that over forty-three per cent. of these pioneers came from the middle Atlantic states; twenty-two per cent. from the New England states; a little more than three per cent. from the southern states and but two per cent. from Kentucky and Tennessee.

tlers back from their immediate vicinities in the south, were unknown in the north. The rivers were smaller, swifter and, while they overflowed their banks in some instances, the overflows did not remain for any length of time, consequently there was not the possibility of unhealthful locations near by. The towns as well as the earliest farms of this section of the state, were close to the rivers, a thing not true along the southern rivers save in exceptional cases.

Chicago's influence upon the growth of settlement is marked. As an agricultural country is one of the necessities for a city's growth, so is a market one of the requisites for the development of an agricultural district. In Chicago these north-eastern counties found both a market and a supply depot, and before the coming of the railroads made transportation easy from all parts of the state it must be noticed that the development was greatest in those counties near Chicago or near the proposed Illinois-Michigan canal line. Numerous smaller towns sprang up, Peru, Ottawa, La Salle, Aurora and Joliet, all upon the rivers, thus showing the instinctive desire the pioneers had for communication with the outside world. These places hardly reached the city stage before 1850, for their ability to dispose of agricultural supplies and to act as supply depots was limited owing directly to imperfect communication. The railroads came later and solved the problem.

In the Fox river valley, Kendall and Du Page counties were the only ones which had settlements before the Black Hawk War. Naper's settlement in Du Page county was the only important one and numbered one hundred and eighty souls in 1832.⁵⁶ McHenry and Lake counties were not opened to settlers at this date. By a treaty in 1833 the Chippewas, Ottawas and Pottowatomies ceded the last of their lands in Illinois and while these lands were not opened to settlers until 1836, a few pioneers had taken up claims in this part of the state before that date.⁵⁷

With the close of the Black Hawk War the pioneers ventured

⁵⁶ Richmond and Vallette, *History of Du Page County*, 6.

⁵⁷ *Eighteenth Annual Report of the American Bureau of Ethnology* (1896-97), 2, 750.

farther north along the river and all through the years 1834, 1835 and 1836 the immigrants poured into the state, animated by hopes of sudden wealth. All the timber land in Du Page county was claimed by 1835 but for several years, in spite of the rapid immigration, few houses could be found away from the timber. Naperville, advantageously situated on the road from Ottawa to Chicago, was the most important town for a time and its two taverns did a rushing business during the period when land speculators thronged the neighborhood and later when the farmers carted their surplus products to Chicago.

By 1834 the line of settlements had reached Kane county and cabins dotted the banks of the Fox river for miles, collecting here and there into little villages where advantages were offered. St. Charles, Elgin and Aurora sprang up along the Fox in the course of a few years.

Aurora was located because the river at this point seemed to offer some advantages of water power and by 1836 the settlement had all the requirements of a thriving frontier village. Even the panic of 1837 had no noticeable effect upon its steady development, for unlike many of the early Illinois towns, Aurora was built upon a solid basis rather than upon imaginary prospects. Elgin was also located upon the Fox river in 1835, the location being selected on account of water power.⁵⁸

St. Charles, a small settlement on the Fox between Aurora and Elgin, lays claim to notice in this period through the class of its settlers. In 1834 a colony of Virginians with over two hundred head of live stock emigrated to this place. It seems an exceptional case, for seldom indeed were southerners found in this part of the state. During the same year another colony, this time from New Brunswick, was added to the community.⁵⁹

In spite of the fact that settlers were forbidden by the Federal government to reside in the recently ceded Indian lands of Lake and McHenry counties until 1836, several claims were made in Lake county on the Aux Plaines river in 1834.⁶⁰ Little

⁵⁸ *History of the City of Elgin*, 8; in *Illinois Local Histories*, 2, Wisconsin Historical Society Library.

⁵⁹ *Past and Present of Kane County*, 329, 331.

⁶⁰ *History of Lake County*, 220.

settlement was made, however, until 1836, for the summer of 1835 'was exceedingly cold and many who came with the intention of settling here were induced to move farther towards the interior.'⁶¹ By 1837 there were probably three hundred people within the county limits.⁶²

The same conditions prevailed in McHenry county and the population before 1836 consisted of a few squatters. Besides the New Englanders who seem to have predominated there were some Virginians and foreigners.⁶³

The period 1837-43 was one of slow growth. Kendall and Du Page counties were organized but neither had many settlers. McHenry and Lake counties grew slowly in population and especially in the size of their towns. Since these counties were agricultural districts and had no markets in the immediate vicinity there was no tendency towards concentration of population.

During the remainder of the period until 1850 the development is hard to trace, save in Kane county, where, owing to water facilities, concentration took place to a greater extent than in the other counties. The advancement which had been made in population was accompanied by a like advancement in the standard of living among the pioneers, for the farms at the close of the period had the appearance of being well cultivated and the log houses of the preceding decade had, in most cases, given way to neater frame ones, prettily painted and well furnished.⁶⁴ The timber lands slowly disappeared and were supplanted by the orchards of the thrifty New Englander or German. Schools were to be found in every village.

Elgin and Waukegan were towns of considerable importance and each owed its growth to a different cause. Elgin was primarily a manufacturing town, ranking well up as such among the towns of the state in 1850. In addition to this fact it could be called a railroad town also, for it was in 1850 the terminus of the first railroad of northern Illinois, which was

⁶¹ Kingston, *Early Western Days*, 338, in *Wis. Hist. Colls.*, 7.

⁶² *History of McHenry County*, 166.

⁶³ *Ibid.*, *passim*.

⁶⁴ *Prairie Farmer*, 7, 298.

in time to develop into a part of the Chicago and Northwestern system.

Waukegan, with a population of 3,000 in 1850,⁶⁵ had shown a surprising growth. The back country was an agricultural one and since settlement was going on rapidly, lumber and merchandise were necessities. Waukegan had a good port and being closer to the settlers of these counties, than was Chicago, it naturally became the landing place for the lumber used in the back country and to this rapidly increasing trade the growth of Waukegan may be attributed.⁶⁶ The development of the railroads later acted as a detriment to the city when they diverted the trade of this rapidly growing district towards Chicago.⁶⁷ Aside from Waukegan there was no town of any importance in either Lake or McHenry county.

From all portions of the nation the settlers came. After the Southerners who trailed the army pursuing Black Hawk northward, there came a swarm of Yankees from Boston, from the Connecticut valley, from the Berkshire Hills, from New Hampshire, from Vermont and from Rhode Island. These were joined by New Yorkers from the Genesee Valley, from Otsego, Syracuse, Utica, Plattsburg, Oneida, Orange, Tompkins, Washington and Chemung counties, and to these were added Scotch, Irish, "Pennsylvania Dutch," Welsh, French, Scandinavians, Germans and even negroes.⁶⁸ The men from the northern states predominated and everywhere the fine appearance of the farms and dwellings denoted the thrift, comfort and wealth of the careful New York and New England farmers.

Viewing the field as a whole, noticeable results appear. In 1830 there were some 6,000 people in the counties treated in this chapter. By 1840 there were almost 46,000 and in 1850 the

⁶⁵ *Seventh Census* (1850), 710.

⁶⁶ In 1845 one hundred and ninety boats landed at Waukegan; in 1850 the number had risen to 1095. In 1846 there were 1,500,000 feet of lumber brought to the port and in 1850 the lumber trade amounted to 1,500,000 feet. (Haines, *History of Lake County*, 103-108.)

⁶⁷ The importance of the trade may be judged from the development in population, the increase in the two counties for the decade 1841-50 being almost 24,000. *Seventh Census* (1850), 702.

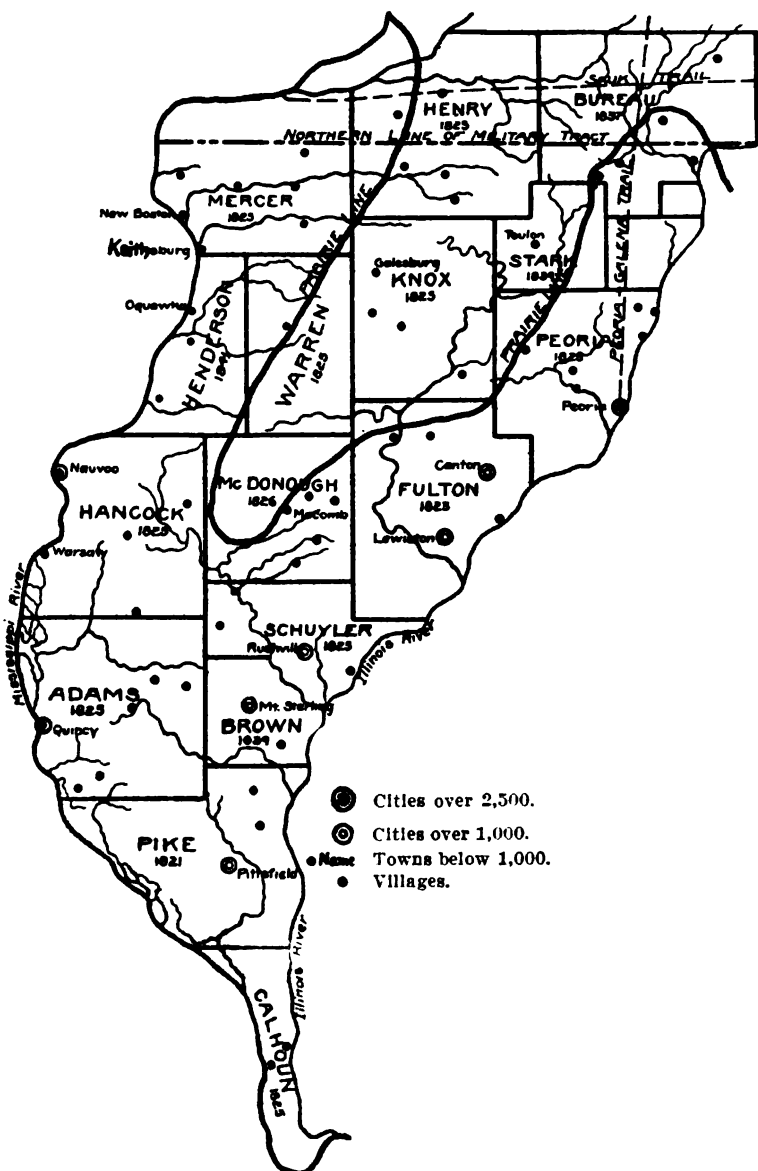
⁶⁸ A summary based upon an examination of the biographies given in the county histories.

number had reached 132,000. Settlement took place most rapidly in the northern counties during the decade 1841-1850, these counties gaining more than twice as many settlers during the decade as did the five counties in the Middle Illinois valley.*

The influence of lines of transportation is plainly seen in the characteristics of the northern settlements. Slowly the hunter-pioneer of the south had worked his way through the timber lands of the Illinois Valley until the Black Hawk War had stopped his progress. When quiet again reigned along the frontier line the pioneer returned to his work of conquest but too late, for before he could regain lost ground the development of steam navigation upon the lakes had opened the way for the New York and New England farmers and they were busy in the woodlands coveted by the Kentuckians and Tennesseans. In the struggle between the two classes of pioneers for the possession of northern Illinois, numbers and speed of communication had weight and the methods employed by the pioneer of the earlier years gave way before the influence of steam, and the hunter-pioneer was forced to leave this section of the country and seek a home elsewhere. His work, however, had been accomplished, for these hardy hunters had, by following the line of the Illinois river, cut the great prairie almost in two and had given the agricultural pioneer a basis upon which he could work when he grappled with the problems of the prairies.

While the agricultural population was much in excess of the urban population there were in 1850 several towns of considerable importance in the valley. Peru and Ottawa each had 3,000 settlers, Joliet and Waukegan had 2,500 each, Elgin and St. Charles more than 2,000 each, while Naperville and Pekin had somewhere between 1,600 and 1,700 each. Several others had less. In each case favorable locations upon the Illinois river or upon roads leading to Chicago explain the growth of the cities; some were located on account of the presence of water-power, others to become a point of contact between an agricultural back country and the markets so much needed.

* From 1841 to 1850 the five counties of the middle Illinois Valley gained 20,300 settlers; the three counties of the upper Illinois gained 18,000 and the five Fox river counties gained 47,700. (*Seventh Census* (1850), 701-702.)



THE MILITARY TRACT (1850)

Curved line shows the limits of the prairie; less than 20 per cent. woodland.
Year indicates date of county organization.

CHAPTER VI

THE MILITARY TRACT

The Military Tract includes most of that portion of the state lying between the Illinois and Mississippi rivers, south of Rock Island county. This territory, which had been set aside by the Federal government for the veterans of the War of 1812, contains thirteen entire counties and parts of three others, in all more than 5,000,000 acres, not far from the area of the state of Massachusetts.¹

Many grants were made but few were actually settled upon by the grantees. Fearing the toils of pioneer life or lacking a definite knowledge of the value of the lands ceded, many sold their grants, (one hundred and sixty acres each) for nominal sums, considering themselves fortunate when able to convert what seemed visionary wealth into actual wealth, even though it was no more than a cow or a horse.²

However, the people who resided in Illinois at the time were well aware of the value of the land and proceeded to "squat" upon it, since they were unable to get any valid title to it, not knowing the actual owners. Cultivation by the squatters followed and often trouble came also. Land sharks, ever on the lookout for bargains, watched the increasing value of the farms, hunted up the original owners, bought their claims and returned to Illinois to oust the occupants and profit by their improvements. Forged titles resulted and with these came almost endless chains of entanglements and litigation.

¹ See Van Zandt, *A full description . . . of the Military Lands between the Mississippi and Illinois Rivers* (Washington, 1818).

² *History of Fulton County*, 191; J. Flint, *Letters from America*, 187 (Thwaites Ed.), says, shares sold even so low as half a dollar per acre.

By 1831 eleven counties had been organized³ and the population of the entire Tract numbered over 12,000 people, five-sixths of whom were living in the southern part in the counties of Calhoun, Pike, Adams, Schuyler and Fulton.⁴

The first successful settlement in the Military Tract and the only one before 1820 was at Peoria. During the French régime Peoria had acted as a connecting link between the French on the lakes and those on the Mississippi but, having caused the Americans no little worry during the War of 1812 it was destroyed. At that date the village was a small one.⁵ Ft. Clark was erected here in 1813⁶ and in 1819 the permanent American occupation began, the earliest settlers coming from southern Illinois.⁷ There were several other settlements in the county by 1830 but of no great importance.⁸

Calhoun county at the extreme southern end of the Tract, was never, during the entire period, thickly settled.⁹ The lumbering industry in which most of the settlers were interested tended to make the population an unstable one. Here we see an example of settlement which is an exception to the general rule. Primarily the population was one aiming to exploit the lumbering resources of the district but there was also a farmer class. On the Illinois prairie which extends along the foot of the bluffs of the Illinois river was the farming district of the county. The land was fertile and the 'bottom' was high enough above the river to escape flooding which in many localities compelled the early settlers to leave the cultivation of the most fertile parts of the state until later and to take possession of the higher wooded portions first, being careful to remain as near as possible to the rivers in order to profit by transportation facilities which they offered.

³ The counties organized were Calhoun, Pike, Adams, Hancock, Mercer, Schuyler, Fulton, Peoria, McDonough, Warren and Knox.

⁴ *Seventh Census* (1850), 701-702.

⁵ There were sixteen men in the village. (Ballance, *History of Peoria*, 18.)

⁶ *Life of Gurdon S. Hubbard*, 28.

⁷ Ballance, *History of Peoria*, 45.

⁸ Settlements were made at Chillicothe, Logan, Medina, Trivoli and there was also a colony of Ohioans in Halleck township. (*History of Peoria County*, 577, 591, 604, 606, 618.)

⁹ In 1830 there were over 1,000 settlers in the county and in 1850 the population was a little over 3,000. (*Seventh Census* (1850), 701.)

Pike county, which received its first settlers in 1820 had a population of 2,400 in 1830.¹⁰ The county extends the entire distance between the Illinois and Mississippi rivers in the vicinity of which the land is broken and covered to quite an extent with timber. Between the great river systems are rolling prairies traversed by creeks whose banks are lined with timber making the district one admirably fitted for meeting the desires of the pioneers. The county consequently filled up rapidly after its first settlement in 1820 and in 1850 had a population of 18,800 people.¹¹

Schuyler county which until 1839 included Brown county, was in 1830 the most thickly settled county of the Military Tract, having nearly 3,000 settlers.¹² The pioneers even at this early day were gathered from many parts of the country. The first settler was a New Englander who was soon followed by a colony from Kentucky. Virginia, New York, Pennsylvania, the Carolinas, Tennessee, Indiana, Ohio, Missouri and Illinois each contributed settlers early.¹³ The settlements were small and were generally placed back at some distance from the river. Nearly twenty townships had received settlers before 1830.¹⁴

Fulton county was organized in 1823¹⁵ having been cut off from Pike county. Lewiston and Canton were the chief settlements in 1830, the former becoming the county town.

While the large river forming the eastern boundry of these counties was the highway for communication with the rest of the country, the first settlers did not congregate here. A few grouped themselves near the river to take advantage of what little commerce there was, but as a rule the settlers, being interested in agriculture, preferred to leave the river bottoms of the large streams and take the timber land along the smaller ones, for the small prairies adjoining relieved the pioneers of

¹⁰ *Seventh Census* (1850), 702.

¹¹ *Ibid.*, 702.

¹² *Ibid.*, 702.

¹³ *History of Schuyler and Brown Counties*, 58, ff.

¹⁴ *History of Schuyler and Brown Counties*, 267-373.

¹⁵ The county was supposed to have had three hundred and fifty voters at the time of organization but at an election held that year only thirty-five votes were cast (*History of Fulton County*, 214).

the labor of making clearings. Moreover, the high ground back from the rivers seemed more healthful, for in the bottoms fever and ague were enemies greatly feared.¹⁶

Of those counties bordering on the Mississippi river Adams and Hancock were the most thickly settled. The first settlers came to Adams county in 1820, and in 1825, when the county was organized, forty votes were cast at the first election. Owing to the scarcity of money and to the fact that the lands were not yet on the market immigration to this county was slow. Quincy, the largest settlement and the seat of county government, was first settled in 1822 and by 1830 had two hundred inhabitants.¹⁷ Various other smaller settlements brought the total population of the county up to about 2,200.¹⁸ The names Adams and Quincy both given in honor of John Quincy Adams, seem to imply the presence of New Englanders in the county at the time of organization but the nativities of the early pioneers show a majority of people from other sections of the country and especially from Kentucky.

Hancock county also on the Mississippi river had but five hundred inhabitants,¹⁹ Venus, later to be known as Nauvoo, being the chief town.²⁰ A settlement which had been made at Oquawka landing on the Mississippi river in 1828 was the only one in Henderson county in 1830.²¹ In Mercer county, New Boston and Keithsburg were the places first settled. Here some Pennsylvanians established themselves in 1827 and earned a livelihood by cutting wood for Mississippi river steamboats. For five years they remained but at the first Indian alarm they left for central Illinois and Mercer county was again without inhabitants.²²

What has been said concerning the location of the settlements in the counties along the Illinois river will apply equally well

¹⁶ By consulting a map of Illinois it will be noted that the early settlements of Canton, Lewiston, Rushville, Ripley, Cooperstown, Mt. Sterling, Versailles and others are all placed back a few miles from the Illinois river.

¹⁷ *History of Adams County*, 259-268; Asbury, *Quincy*, 41.

¹⁸ *Seventh Census* (1850), 701.

¹⁹ *Ibid.*, 701.

²⁰ *The National Calendar* (1830), 249.

²¹ *History of Mercer and Henderson Counties*, 869.

²² *Ibid.*, 46, 119.

to the settlements along the Mississippi. The most important town on this side of the Military Tract was, however, placed directly upon the river. The location was admirable and Quincy enjoyed all the advantages of a good landing place and a healthful site on a high bluff over-hanging the river. To the rear of the city was a rich agricultural district filling up with settlers who, when their crops ripened, carted them to Quincy for shipment to southern markets. Naturally it also became the distributing point for the back country and through the lively trade which sprang up the village made rapid strides. The other early settlements in these counties were back a considerable distance from the river, the pioneers selecting the timbered tracts bordering the small prairies.²³

The interior counties of the Military Tract, save in the case of Bureau, had very few settlers in 1830.²⁴ In McDonough county the settlements at Pennington's Point and Industry in the southern part of the county seem to indicate that the first settlement was made from the counties to the south. Nearly all the pioneers were from Kentucky and Tennessee and it is probable that they followed up the tributaries of the Illinois which flow through Schuyler county. Probably there were not more than sixty voters in the county in 1830.²⁵ The settlement of Warren²⁶ and Knox²⁷ counties began in 1827 when a family of New Englanders settled in the former. Stories of a rich agricultural district were carried back to the older settlements of Illinois by the 'bee-hunters' who passed through Knox county in 1827 and in the following year pioneers from Schuyler county came to settle here. Several settlements were started and in 1830 the combined population of the counties numbered about five hundred people.²⁸ Bureau county had but five fami-

²³ The other early settlements were in Adams county and were Camp Point, Clayton, Columbus, Ellington and Fall Creek. All were in the interior.

²⁴ McDonough, Knox, Stark, Bureau and Henry counties had about six hundred in all (*Seventh Census* (1850), 701).

²⁵ Clarke, *History of McDonough County*, 19.

²⁶ *History of Warren County*, 107.

²⁷ *History of Knox County*, 102.

²⁸ *Seventh Census* (1850), 701, 702.

lies in 1828 although the first settlement had been made in 1820.²⁹

Such were the settlements of the Military Tract in 1830. By far the greater part of the population was in the southern part of the Tract close to the more thickly settled districts of central Illinois. There were no towns of any consequence save Quincy, and the prairie district of the north was practically untouched. The pioneers were chiefly southerners. From 1831 to 1850 Calhoun county did not increase rapidly in population since it did not offer the advantages for agriculture that were to be found in other parts of the state. When the lumber industry began to wane the stream of settlers decreased accordingly. Four small villages formed the urban population in 1850.³⁰

Pike county added over 16,000 settlers during the twenty years and since there were but three villages in the county in 1850, it is natural to believe that the population was almost entirely rural.³¹ The pioneers had for a time remained as close as possible to the timber but by 1850 there were settlements on the small prairies.³² "Corncrackers and Hoosiers with a right smart sprinkling of Yankees" made up the population but almost every state in the union was represented here. A Mormon town had been founded and had declined before 1850.³³

The Illinois river counties,³⁴ Schuyler, Fulton and Peoria, had in 1830 an aggregate population of 5,000 and ten years later their population amounted to over 26,000.³⁵ Before Brown county was cut off from Schuyler in 1839, La Grange and Mt.

²⁹ It was not a permanent settlement, being made by a French fur trader named Bourbonnais. He was in the employ of the American Fur Company (*History of Bureau County*, 79-83).

³⁰ Gilead, Hardin, Illinois and Point were the settlements. Each had between five and eight hundred settlers. (*Seventh Census* (1850), 704.)

³¹ Pittsfield, Perry and Griggsfield, each with less than seven hundred inhabitants, were the villages. (*Seventh Census* (1850), 714.)

³² Almost the county was under cultivation (Peyton, *Statistical view of Illinois*, 18).

³³ *History of Pike County*, 239.

³⁴ For convenience of treatment the counties of the tract will now be divided into three sections. The Illinois river counties being Schuyler, Fulton and Peoria; the Mississippi river counties being Adams, Hancock, Henderson and Mercer; the counties of McDonough, Warren, Knox, Stark, Henry and Bureau being classed as the inland counties.

³⁵ *Seventh Census* (1850), 701, 702.

Sterling had become towns of some importance. Several eastern parties were engaged in business at the former place, which, owing to its situation upon the Illinois river, became a port of some consequence in the river traffic. All the goods shipped to the county came up the river and La Grange was the landing place as well as the shipping point for the back country towns, especially Mt. Sterling and Versailles.³⁶

Mt. Sterling, which was to be the county town of Brown county when organized, enjoyed but slow growth before 1834 when a revival of energy took place, the village growing to one of fifty houses by 1837.³⁷ The same revival of energy which was the result of the speculative spirit which swept over the country during the decade also gave Brown county its first experience with "paper towns," Washington being laid out in 1836.³⁸ No further development was made, however.

Rushville, Fredericksville, Huntsville and Birmingham were the principal towns of Schuyler county in 1850. Rushville enjoyed a steady growth from the time of its establishment in 1829. A wool carding factory and other industries, begun in 1831,³⁹ drew laborers and mechanics to the village which by 1832 had four hundred inhabitants clustered about five little stores.⁴⁰ Cholera during the year of 1834 swept away many of the settlers but the little village continued to grow until in 1837 it was a town of 1,200 inhabitants having five churches, twelve stores and four hundred houses.⁴¹ Most of the houses were frame ones, the lumber probably being brought from Calhoun county where the industry was carried on rather extensively. Fredericksville on the Illinois river was of some importance as a shipping point. The other named towns were still young and small, having been laid out in 1836.⁴²

Fulton county from 1830 to 1840 gained 12,300 inhabitants, most of them going to the rural districts.⁴³ Canton was a

³⁶ *History of Schuyler and Brown counties*, 322.

³⁷ *Illinois in 1837*, 105.

³⁸ *History of Schuyler and Brown counties*, 271.

³⁹ *Ibid.*, 234.

⁴⁰ *Illinois Monthly Magazine*, 2, 260.

⁴¹ *Illinois in 1837*, 128.

⁴² *History of Schuyler and Brown counties*, 363-373.

⁴³ *Seventh Census* (1850), 701.

village of four hundred people in 1835,⁴⁴ when it was completely destroyed by a storm.⁴⁵ It had recovered some of its importance by 1837 when with Lewiston and Farmington it was named as one of the largest settlements in the county.⁴⁶ Washington, Fairview, Middleton, Liverpool, Ellisville and Bernadotte, all small towns consisting of a few cabins and a store, make up the list of Fulton county settlements. Vermont, a similar village seems to imply by its name a New England settlement which, however, was not true. Kentuckians made the settlement but the name was given by the solitary New Englander residing there, he having purchased with a jug of whiskey the right to name the settlement.⁴⁷

Peoria county had in 1840 over 6,000 settlers⁴⁸ and the town of Peoria was the chief center of population. The town had a favorable location being placed on a high bluff at the foot of Peoria lake. In 1832 it was a small village of fifteen or twenty log cabins but being the strongest one in this part of the frontier it was the place of refuge for the pioneers who fled from the northern districts at the opening of the Black Hawk War.⁴⁹ Communication by steamboats on the Illinois river and by stages overland kept Peoria in touch with the neighboring settlements. In 1834 the population was estimated at between three and four hundred⁵⁰ and a year later at over eight hundred.⁵¹ In this last year the first Germans⁵² came to settle here and in 1836 New Englanders first appeared in the town.⁵³ By 1837 it was a thriving town.⁵⁴ Rome, Chillicothe, Brimfield, Northampton, Allentown, Kickapoo, Hudson and Caledonia were settlements of lesser note.⁵⁵

⁴⁴ *History of Fulton county*, 527.

⁴⁵ *Chicago Weekly American*, July 4, 1835.

⁴⁶ *Illinois in 1837*, 78-118.

⁴⁷ *History of Fulton county*, 899.

⁴⁸ *Seventh Census* (1850), 702.

⁴⁹ *History of Peoria county*, 451.

⁵⁰ *Chicago Weekly Democrat*, June 4, 1834.

⁵¹ *St. Louis Commercial Bulletin*, Dec. 18, 1835.

⁵² *History of Peoria county*, 489.

⁵³ *Western Messenger*, April, 1836.

⁵⁴ *Illinois in 1837*, 126, says that Peoria had twenty-five stores, two hotels, six churches and over 1,600 inhabitants.

⁵⁵ *History of Peoria county*, 572-577.

Of the Mississippi river counties, Adams county gained over 12,000 inhabitants during the decade.⁵⁶ Quincy with its advantageous location grew with equal rapidity. For several years the lack of good building material and the high price of lumber were difficulties to be overcome but the village doubled its population from 1830 to 1832 and at the time of its incorporation in 1834 its population was estimated at six hundred.⁵⁷

During the next few years while the state enjoyed great prosperity, Quincy continued to develop and the tide of immigration increased steadily until in 1838 the village had a population of 1,500 or more,⁵⁸ making it the largest settlement in the Military Tract.⁵⁹ Its importance as a shipping point for agricultural products was now recognized, three hundred steamboats arriving or leaving during the year of 1837, while the trade in pork, flour and wheat amounted to \$112,500 for that year.⁶⁰ Sawmills were kept busy supplying lumber for new buildings and with the increased demand for laborers the floating population grew. The population was derived from all countries but Yankees and Kentuckians were in the majority and about equally divided.⁶¹ In 1840 Quincy obtained a city charter.⁶²

Outside of Quincy there were no settlements of much importance. Payson, which was laid out in 1835, was surrounded by a rich agricultural district and for a time gave promise of becoming an important settlement but the development so well begun soon ceased, probably owing to the rivalry with Quincy.⁶³ The remaining settlements were small being only agricultural villages giving little promise of immediate development.

⁵⁶ *Seventh Census* (1850), 701.

⁵⁷ Asbury, *Quincy*, 44.

⁵⁸ Estimates varied; 1,500 (*Illinois in 1837*, 127); 1,653 (Redmond, *Quincy*, 15); 3,000 (Buckingham, *Eastern and Western states*, 3, 162).

⁵⁹ In 1835 Quincy had a population of seven hundred people. (Redmond, *Quincy*, 14.) There were ten stores, a printing office and over one hundred houses in the village. (Asbury, *Quincy*, 47.) In 1837 there were twenty-five stores, a land office, three taverns, two saw mills and two churches. (*Illinois in 1837*, 127.)

⁶⁰ Redmond, *Quincy*, 15.

⁶¹ Asbury, *Quincy*, 47.

⁶² *History of Adams county*, 454.

⁶³ *Ibid.*, 551.

Although Hancock increased steadily in number of settlers it is difficult to speak accurately concerning their location since there were no towns of size in the county. Warsaw on the bank of the Mississippi was laid out in 1834 but did not grow to any size for a number of years.⁶⁴ Venus, also well located on the great river, was slow in growth. The name was early changed to Commerce which was in turn to be forgotten when, under the régime of Joseph Smith, Nauvoo rose upon the site of Venus. Before the coming of the Mormons it had a few hundred inhabitants and such facilities for business as were generally found in pioneer towns.⁶⁵ Carthage and Fountain Green, both later to be connected with the history of the Mormon occupation, were the chief interior settlements. Pulaski, Chili and La Harpe may also be mentioned.⁶⁶

Henderson county, as yet unorganized, had some small settlements. Oquawka, laid out in 1836, was probably of the greatest importance, being for years, until the building of the railroads, the shipping point for the produce of Knox, Henderson and Mercer counties.⁶⁷ Shokokon, also a river town, was the center of a rich agricultural district and would probably have increased in importance had it possessed the advantage of a good landing. The river, however, was too shallow here for the boats and instead of becoming a shipping point it developed the lumber industry. Rafts came down from Wisconsin and were sawed here. Its population never exceeded three hundred persons.⁶⁸

Mercer county, although organized in 1825 grew very slowly for ten years, there being not more than two hundred and fifty settlers within its limits in 1835.⁶⁹ In 1840 there were almost 10,000 people here.⁷⁰ Keithsburg and New Boston were the river towns but neither was of importance and of the numer-

⁶⁴ *History of Hancock county*, 638.

⁶⁵ *Overland Monthly*, 16, N. S. 620.

⁶⁶ *History of Hancock county*, *passim*.

⁶⁷ *History of Henderson and Mercer counties*, 887.

⁶⁸ *Ibid.*, 888.

⁶⁹ *Ibid.*, 48.

⁷⁰ *Seventh Census* (1850), 702.

ous inland settlements Sugar Grove, settled by Tennesseans, seems to have been the most thriving community.⁷¹

The inland counties of the Tract, McDonough, Warren, Knox, Stark, Henry and Bureau were all organized in the decade 1831-1840 and had in 1830 a combined population of a few more than six hundred inhabitants.⁷² After the close of the Black Hawk War the report was spread about that this portion of the state was exceedingly fertile and would make an excellent place for settlement. Accordingly, immigrants began to find their way up the rivers and over the prairies from Ohio, Indiana and various other places.

During the first few years immediately following the war but little of note happened in McDonough county and but few families moved in. The population, however, increased to over 2,800 before the close of 1835.⁷³ Macomb, the seat of justice, Edmonson's Prairie and Middletown were struggling settlements in 1835. From 1837 to 1845 there were hard times in McDonough county owing to the financial depression throughout the state. Money was almost unknown and all business transactions were carried on by means of barter, notes often being made payable in a cow, a horse or half a dozen hogs.⁷⁴ In spite of the handicap, settlement increased and, at the close of the decade 1831-1840, numbered over 5,000 inhabitants.⁷⁵

After 1832 scattered settlements were located at various points in Warren county and everywhere the pioneers petitioned the county commissioners court for roads to connect the widely scattered hamlets with market places. Monmouth, the chief town, had but eighty inhabitants in 1835 but grew more rapidly during the closing years of the decade.⁷⁶ The population of the entire county in 1840 was a little over 6,700 people.⁷⁷

In 1831 half a dozen weak settlements comprised all of Knox

⁷¹ Sugar Grove had sixty settlers in 1835. The other settlements were in Ohio Grove, Abington, Suez, Greene, Pre-emption, Richland Grove, Rivoli and Eliza townships. (*History of Henderson and Mercer counties*, 272-742.)

⁷² *Seventh Census* (1850), 701, 702.

⁷³ Clarke, *History of McDonough county*, 76.

⁷⁴ Clarke, *History of McDonough county*, 60.

⁷⁵ *Seventh Census* (1850), 701.

⁷⁶ *Past and Present of Warren county*, 142.

⁷⁷ *Seventh Census* (1850), 702.

county's population but at the close of the decade there were 7,000 settlers within the limits of the county.⁷⁸ In 1835 Knoxville with a population of two hundred people was the chief town.⁷⁹ A year later Galesburg, which was destined to be the most important city of the county, was founded. In 1834 Rev. George W. Gale of Oneida county, New York, matured a plan for planting a colony in the West which should be a center of moral and intellectual influence. Later he issued a circular setting forth his plan and soliciting subscribers. A committee for exploration was sent out and upon its recommendation the present site of Galesburg was purchased in 1835. Early in the next year a colony of forty persons⁸⁰ left New York and came by canal boat up the Illinois river to a convenient landing place, traveling from there overland. Log City was the name first given to the settlement and by 1837 its population was estimated at two hundred and thirty.⁸¹ In ten townships settlements had been located before 1840 but it seems nearly impossible to determine their size.⁸²

Henry county which had but 1,260 settlers in 1840⁸³ was occupied first by colonies thereby being an exception to the general rule governing the settlement of the state. When speculation in Illinois lands got fairly under way in 1835, Henry county became the scene of an exceptionally large number of this experimental class of settlements. Persons authorized to purchase large tracts of land visited the county during that year and much to the detriment of the individual settlers, if not to the benefit of the companies represented, made purchases. As a result, Andover, Wethersfield, Geneseo, Morristown, La Grange, and later the Bishop Hill colonies were established.⁸⁴ The first three had religious aims and all aimed at the dissemination of education save possibly the Bishop Hill colony which seems to have been strictly religious.

⁷⁸ *Ibid.*, 702.

⁷⁹ *History of Knox county*, 629.

⁸⁰ *Stories of the Pioneer Mothers of Illinois*. (Letter of Mary Allen West. MSS. in Illinois Historical Society Library.)

⁸¹ Bascom, *Settlement of Galesburg*, 25.

⁸² *History of Knox County*, 479-507.

⁸³ *Seventh Census* (1850), 701.

⁸⁴ *History of Henry County*, 117.

First of these experiments was the Andover settlement, situated a few miles southwest of the center of the county. A committee acting for a New York association located a tract of land here in 1835, began the first settlement upon it and platted a city. Success did not crown their efforts to any marked degree for the land was held by the proprietors at too high a price and immigrants passed it by.⁸⁵

Returning from the planting of the Andover colony, Mr. Pillsbury, one of the committee, immediately attempted to interest Dr. Tenney, an influential minister of Wethersfield, Connecticut, in a similar undertaking. An association of sixty men with a capital stock of \$25,000 was formed, land was purchased in Henry county and a settlement begun.⁸⁶ Few of the purchasers came west and consequently the growth of the settlement was slow.

During the winter of 1834-35 notices were published in several of the New York papers calling a meeting of all people interested in western colonization. The result was the formation of a New York colony and the appointment of the usual committee for exploration and purchase. The committee purchased 20,000 acres of land in Henry county. Each member of the colony bound himself to erect upon his claim buildings to the value of two hundred dollars and should this provision not be carried out the land should revert to the company on the grounds of a broken contract. Moreover it was provided that the settlers who fulfilled their contracts should be allowed to take the claims of the delinquent ones by paying three dollars an acre, or double the original price of the claim. Seeing the possibility of making a good bargain at least four-fifths of the colonists failed to fulfill the building contract and by so doing doubled their money. Many, however, were honest in their intentions but were prevented from carrying them out because of the panic of 1837 which came before the two years had expired. The most desirable lots were put up at auction and some six or seven thou-

⁸⁵ *History of Henry County*, 524.

⁸⁶ The shares in the company sold for two hundred and fifty dollars each and entitled the purchaser to one hundred and eighty acres of land, twenty of which were to be timber land (*History of Henry County*, 137-140).

sand dollars resulted to the association with which fund a public lodging house was built for the accommodation of colonists until they were able to erect their own abodes. A few colonists came in 1836, five in all and by 1837 there were but ten families on the whole prairie.⁸⁷ One more experiment therefore could, for the time, be called a failure.

As a result of a religious revival of unusual excitement in New York the Geneseo colony was established in Henry county in 1836. The idea was conceived in 1831 and after proper exploration a colony was formed. A village was to be laid out in lots and the lots were to be sold only to such men as were of good character. The proceeds were to go towards building a high school.

In September, 1836, forty persons in wagons started across Canada, southern Michigan and northern Indiana to Illinois. The journey took nine weeks and when the little colony reached its future home the members could not have been very favorably impressed with the outlook. Their nearest neighbor on the west was at Rock Island, twenty-five miles away; on the south the Andover and Wethersfield colonies were just establishing themselves; on the east the Northampton colony was struggling to gain a foothold at Princeton and on the north a few straggling families lived along the Rock river. However, the colony erected its canvas roofed church, opened its school and proceeded to make the best of the situation.⁸⁸

Henry county had but few settlers in 1840 and the settlement does not seem to have been a natural one. Speculation was raging in the eastern states and the hope of sudden riches tempted many to invest in western lands. Settlements would increase the value of the holdings so it is natural to believe that land owners would also be promoters of colonizing schemes and to this it seems were due the colonies of Henry county.

Bureau county was settled slowly before the Black Hawk War. Being a frontier county its inhabitants were exposed to Indian attacks and few of the pioneers, daring as they might be, cared to risk their lives on the extreme frontier when it offered

⁸⁷ *History of Henry County*, 135.

⁸⁸ *Thirtieth Anniversary of the Settlement of Geneseo*, 3-9.

no advantages superior to those of the more protected parts. By 1831 only sixteen families resided within the limits of Bureau county. A year later there were forty cabins in the county, thirty of which were grouped on Bureau creek in the southeastern part. The largest settlement was that at Princeton which was composed of nine families.⁸⁰

Princeton was settled in 1831 by a colony from Northampton, Massachusetts. It was the first of a series of attempts at colonization, such as have been spoken of in Henry county. The Hampshire colony, as it was called, assembled at Albany, New York, in May, 1831, and began its journey westward by way of the Great Lakes to the St. Jo river in Michigan, whence the little caravan proceeded on foot to the Kankakee river and floated down it on a craft composed of two canoes lashed together. One lone settler occupied the site of Princeton when the colony arrived. The members established themselves here and called the place Greenfield and although a settlement of a very small size, it became in later years the nucleus of a considerable New England population.⁸⁰ A dozen other small settlements were begun in the early years of the decade, Bureau and Selby being the most important ones and these having but four families each.⁸¹

In 1836 the influx began, for the wave which had started some years before from the eastern states as a result of the speculation craze was just reaching the western prairies of Illinois. The land had come into the market in 1835 and nearly all the good timber land was taken up at once. In 1836 the population of the county doubled, but even then there were few people here.⁸² In the entire county there was but one meeting-house, two or three log school houses, two surveyed roads and not a bridge.⁸³ Lamaille in the northeastern part of the county was laid out in 1836. A store and a postoffice were added the next year and a year later, a hotel.⁸⁴

Another colony of New Englanders was established about ten

⁸⁰ *Taxpayers and Voters of Bureau County*, 90-91.

⁸¹ *Matson, Reminiscences of Bureau County*, 261.

⁸² *Taxpayers and Voters of Bureau County*, 102.

⁸³ *Ibid.*, 102.

⁸⁴ *Matson, Reminiscences of Bureau County*, 397.

⁸⁵ *Taxpayers and Voters of Bureau County*, 135.

miles southwest of Princeton in 1836. The colony had been organized at Providence, Rhode Island and having taken the usual steps for exploration, had purchased 17,000 acres. In 1837, forty persons came to the proposed site of Providence village. For some time they resided in the colony house but soon were able to erect dwellings for themselves. Like all other colonies sent out during this period of experimentation and speculation, the greatest success did not attend the venture, but the colony added wealth and numbers to the slowly growing county which in 1840 had but 3,000 inhabitants.⁹⁵

The decade 1831-1840 was one of rapid development in the Military Tract and the bulk of the population was still in the counties along the rivers.⁹⁶ The process of settlement was the same as had taken place in the decade previous. The new settlements along the tributaries of the large streams multiplied but the growth of the older settlements was not rapid, since the tendency displayed by the pioneers was ever to move towards the interior, taking up such land as was near the timber, and to shun the older settlements. This last characteristic was a natural one for the timber lands in the older settled regions had long been occupied and prices had advanced beyond what the pioneer could afford to pay. He was compelled, therefore, to move on to the prairie or toward the frontier and at this date he preferred the latter alternative as the great number of new settlements in the interior shows.

In some cases the hitherto unoccupied bottom lands were taken up as the settlements of Rome, Chillicothe, Fredericksville, Oquawka and others show. Along the numerous wooded tributaries of Spoon river and Crooked creek which penetrated the Military Tract, settlements were frequent and upon these settlements as bases the later pioneers were to build when they

⁹⁵ *Seventh Census* (1850), 701.

⁹⁶ In 1850 the population of Pike and Calhoun counties was 13,469, a numerical gain of 9,983 and a per cent. gain of 286; the population of the Mississippi river counties was 26,774, a numerical gain of 24,079 and a per cent. gain of 893; the population of the Illinois river counties was 30,450, a numerical gain of 25,094 and a per cent. gain of 468; the northern counties had a population of 25,007, a numerical gain of 24,384 and a per cent. gain of almost 4,000. *Seventh Census* (1850), 701-702.

began to experiment more seriously with the problem of the prairies.

The colonial attempts at settlement were a new departure and while as a general rule the colonies were not successful they seem to indicate that aside from the desire to make money the people felt that by systematic organization and numbers the prairies could be subdued. They were attempts to establish settlements which would be self-sufficing for a time at least.

The decade 1841-1850 was also one of considerable advancement. During the early years of the decade financial troubles hindered the growth of settlement for the time; the state was in distress, being overloaded with debt and thinking seriously of repudiation but still attempting to stave off disaster as long as possible by heavy taxation. The farmers could get little for their produce and even these small prices were not paid in cash. Money was so scarce that it was next to impossible to get enough to buy government lands, however low the price might be. In some places the settlers borrowed money at fifty per cent. in order to get a clear title to their lands.⁹⁷ When the state gradually emerged from its difficult position, times became better, money looser, taxes lower, confidence greater and settlement began again to extend.

The growth of the Illinois river counties seems to have been slow during the first half of the decade but was more rapid after 1845. Peoria was the most important city along the Illinois river, having enjoyed a rapid increase in numbers⁹⁸ and being a substantially built city well supplied with churches and schools.⁹⁹ It wore a marked New England aspect.¹⁰⁰

Mt. Sterling in Brown county with five hundred and fifty inhabitants, Rushville in Schuyler county with twenty-six hundred, Canton and Lewiston in Fulton county with over fifteen hundred inhabitants each, were the chief villages of the Illinois river counties. Fulton county had a population grouped

⁹⁷ *History of Henderson and Mercer Counties*, 625.

⁹⁸ Estimates of Peoria's population are as follows: In 1844, 1,619; in 1847, 4,079; in 1849, 5,061, (Ballance, *Peoria*, 204); in 1850, 5,890, (Drown, *Historical View of Peoria*, 148.)

⁹⁹ *Prairie Farmer*, 7, 30.

¹⁰⁰ Curtiss, *Western Portraiture*, 317.

in several comparatively large settlements, for nine in the county were credited with more than one thousand inhabitants in 1850.¹⁰¹ The whole district had in 1850 a population aggregating almost 59,000 being nearly double the population of 1840.¹⁰² There were 281,000 acres of land under cultivation in 1850 which shows the development of the farming portions of these counties.¹⁰³

Adams county was still the most populous district along the Mississippi river as well as in the entire Military Tract. Quincy grew apace in numbers and commercial importance and in 1850 had a population of nearly 7,000, being second of Illinois cities in size.¹⁰⁴ The influence of its favorable location is even more marked after 1840 than before. A great deal of business was transacted here annually. In 1841, \$330,000 worth of merchandise was disposed of in the city and 420,000 bushels of grain exported.¹⁰⁵ The manufacture of flour which had begun some years before was now a rapidly increasing industry for the output which numbered 21,500 barrels in 1843 had reached 68,000 barrels per annum in 1846. Pork packing was also a paying industry now and during the fiscal year 1847-48 about 20,000 hogs were packed by the dealers in the city.¹⁰⁶ Business increased and in spite of a temporary lull in 1849 caused by a visitation of Asiatic cholera and the California gold fever which, between them, carried away four hundred settlers,¹⁰⁷ Quincy yearly became of more importance. It was a city of substantial residences and numerous public buildings and business houses which with its green parks and shaded walks gave an eastern air to the thriving city.¹⁰⁸ The export trade of the city amounted to \$500,000 per year by 1850 and a line of steamboats which

¹⁰¹ *Seventh Census* (1850), 703-715.

¹⁰² *Ibid.*, 701.

¹⁰³ Peyton, *Statistical View of Illinois*, 13.

¹⁰⁴ *Seventh Census* (1850), 703.

¹⁰⁵ Redmond, *Quincy*, 15.

¹⁰⁶ Asbury, *Quincy*, 113-116.

¹⁰⁷ *Ibid.*, 81.

¹⁰⁸ There were twenty-six variety stores, two hardware stores, two book stores, five drug stores, ten ware-houses, six mills, four lumber yards, three machine shops, two foundries, three printing offices, two hotels, thirteen churches, five private and two public schools. (Redmond, *Quincy*, 15; Asbury, *Quincy*, 82; *Prairie Farmer*, 7, 383.)

made daily trips to St. Louis brought back such goods as were needed by the settlers of the district.¹⁰⁹

The entire population of the county was 26,500 in 1850, fifteen settlements having more than eight hundred inhabitants each.¹¹⁰ Almost 150,000 acres of land under cultivation showed the activity of the farmer class and the healthful influence of a good market.¹¹¹

In Hancock county the Mormons were the center of attraction until 1846, and while swelling the population of the county until the date of their expulsion, their influence was a decidedly negative one. At the time of their arrival Hancock county had a population of about 7,000 but now all immigration, save that of the Mormons ceased and emigration began until not more than 4,000 American settlers were left in the county in 1845.¹¹² Aside from Nauvoo, the only settlements of note were Warsaw and Macedonia, and neither had a population of five hundred people.¹¹³

Coming from Missouri in 1839 the Mormon band settled at Commerce, changed the name to Nauvoo and occupied almost all the county together with portions of the neighboring counties. A charter was granted by the state legislature and the city of Nauvoo grew rapidly as the Mormon power increased until it was estimated that there were in Nauvoo and the adjoining country, about 30,000 of the sect. Next to St. Louis, it was the most important city of the Upper Mississippi.¹¹⁴ The charter was repealed in 1845 and decline set in. Expulsion followed in 1846 and Illinois was rid of a class of people which had caused only a passing prosperity.

Following the Mormon exodus came the Icarians. These Icarians were Frenchmen who, in an attempt to put to a practical test the communistic doctrine of M. Cabet of Dijon, had come to America, intending to settle in Texas. The plan proved unsuccessful and a part of the colony under the leadership of

¹⁰⁹ *Prairie Farmer*, 7, 383.

¹¹⁰ *Seventh Census* (1850), 703.

¹¹¹ Peyton, *Statistical View of Illinois*, 13.

¹¹² *Niles' Register*, 69, 109. See chap. xii., post.

¹¹³ *History of Hancock County*, 638.

¹¹⁴ Smith and Smith, *History of the Church of Jesus Christ of the Latter Day Saints*, 3, 1.

Cabet himself landed at Nauvoo in March, 1846.¹¹⁵ Eight hundred acres of land were rented and some of the abandoned Mormon houses were bought. The industry of these people and their peaceful, orderly habits caused them to be esteemed by their American neighbors and consequently the settlement prospered for several years. When the members left Illinois some years later it was not by request.

After the Mormons left the state, settlers again flocked in and at the close of the decade there were over 14,600¹¹⁶ people in Hancock county and 80,000¹¹⁷ acres of land were under cultivation.

Henderson and Mercer counties were occupied chiefly by farmers who had established themselves in the timber along the small streams. Oquawka, with less than six hundred inhabitants, was the center of population in Henderson county and maintained some importance as a shipping point for the county until the railroads were built. Keithsburg, Millersburg and New Boston were the largest settlements in Mercer county and not one of these had three hundred inhabitants.¹¹⁸

During the decade the counties had nearly doubled in population having in 1850 over 51,000 inhabitants.¹¹⁹ There were under cultivation 300,000 acres making it the greatest farming district of the Military Tract.¹²⁰

The prairie counties of this division of the state did not increase in population as rapidly during the decade 1841-1850, as did the other portions lying along the Illinois and Mississippi rivers. The gain in numbers amounted to over 20,000 or almost 5,000 less than during the preceding decade.¹²¹ Financial distress in the state, no doubt, had its effect but probably the greatest influence working was the character of the district. Primarily a prairie region, the amount of woodland was limited. The rapid influx of immigration during the earlier years had filled up much of the desirable timber land leaving

¹¹⁵ Reynolds, *Illinois*, 372. See chap. xiii., *post*.

¹¹⁶ *Seventh Census* (1850), 702.

¹¹⁷ Peyton, *Statistical View of Illinois*, 13.

¹¹⁸ *Seventh Census* (1850), 702-713.

¹¹⁹ *Ibid.*, 702.

¹²⁰ Peyton, *Statistical View of Illinois*, 13.

¹²¹ *Seventh Census* (1850), 701-702.

only the prairie for the later arrivals. Facilities for transportation were limited and so much trouble was experienced in obtaining lumber for fences and houses, that rather than remain and face such difficulties the later comers moved on.

McDonough, Warren and Stark counties where little unoccupied timber was left and where communication was poorly developed gained little in numbers during the decade.¹²² Toulon in Stark county, Monmouth in Warren county and Macomb in McDonough county each has less than eight hundred inhabitants. Knoxville and Galesburg in Knox county were of the same size.¹²³

During this period Henry county was the scene of another colonizing venture. This time it was by foreigners. Dissatisfaction with the state religion of Sweden caused quite a number to contemplate emigration and accordingly preparations were made and a messenger was sent to America to find a suitable location. Henry county was selected and in 1846 about five hundred emigrants arrived there.¹²⁴ By 1850 the number had doubled¹²⁵ and Bishop Hill, as the settlement was called, was the most important one in the county. At this time the infant settlements of Andover, Geneseo, Wethersfield and La Grange were still struggling for life and Kewanee and Galva, towns of importance in Henry county today, had as yet not sprung into existence, being products of the railroads.

Bureau county had increased at the close of the period about 5,800 but the increase was confined to the region of the rivers and old settlements. Princeton, Lamoille, Dover and Clarion were the settlements best known, the largest being Princeton with a population of less than eight hundred.¹²⁶ One division of Fourier's Phalanx made an unsuccessful attempt at establishing a settlement.¹²⁷ The entire population of these interior counties in 1850 shows an increase of eighty per cent. over 1840

¹²² The gain for the three counties was less than 5,000 (*Seventh Census* (1850), 701, 702).

¹²³ *Ibid.*, 710-716.

¹²⁴ Bigelow, *Bishop Hill Colony*, 101-108, in *Transactions of Ill. State Hist. Society*, 1902. See chap. xiii., *post*.

¹²⁵ Mikkelsen, *Bishop Hill Colony*, 36, in *Johns Hopkins University Studies*, 10.

¹²⁶ *Seventh Census* (1850), 703.

¹²⁷ Hinds, *American Communities*, 224. See chap. xiii., *post*.

which is a smaller increase than either of the other sections and probably is due to the greater amount of prairie land here.

From 1831 to 1840 the entire Military Tract gained 83,500 in population; during the decade 1841-1850 the gain was but 80,600, in all a gain of over 165,000 for the twenty years.¹²⁸ The decline noticed in the last decade probably can be attributed to increased competition from other parts of the state. The Rock river valley, the Fox river valley and the upper Illinois river valley were during the years 1841-1850 receiving great numbers of settlers and, having excellent timber land in larger quantities than remained unoccupied in the Military Tract, tended to attract the new comers.

The rule concerning the late settlement of the prairies and the early settlement of the woodlands holds in this portion of the state as well as the others. The Illinois and Mississippi river counties, having numerous small streams and tracts of woodland, settled rapidly but where the prairies were extensive the settlement was slow. The local historians repeatedly mention this fact and state that not until 1850, or even later, did the pioneers venture out into the open to any extent. The railroads were a necessity and until they solved the problems of the prairies, the pioneers were almost helpless in the face of the difficulties presented.

The largest settlements of the Military Tract, Peoria and Quincy, can be said to have advanced to the dignity of cities by 1850. Peoria was the most important port on the Illinois river as was Quincy on the Mississippi and with the development of the agricultural districts upon which they drew, as well as the development of steam traffic on the rivers whereby the southern markets were reached, these cities advanced rapidly in wealth, population and importance.

In the case of Quincy the effect of a favorable location is particularly noticeable. Its easy communication with markets in the South, its good landing place for steamers, its healthful site upon a bluff above the river and its rich tributary agricultural district aided in the rapid development already noted. Moreover the development of the flouring industry as well as that of

¹²⁸ *Seventh Census* (1850), 701-702.

pork packing also aided in the city's prosperity and in order to save transportation expenses on manufactured goods, factories of various descriptions sprang up to add to the growth of the community. In fact the growth of Quincy is an illustration of the effect of favorable environment and of the interaction of agricultural and manufacturing districts.

Next in order of size were those cities which, while not situated directly upon the large rivers, were in close contact with them, being located from five to fifteen miles away, thus being free from the fevers which often swept the river bottoms, and still not far enough away to offer any serious difficulties in transportation. Pittsfield, Mt. Sterling, Rushville, Lewistown, and Canton City compose this class. In size they ranged from 1,500 to 2,500 inhabitants.

The third class of towns comprised those of the interior counties—generally the county seats—which, removed from water communication with the outside world were handicapped to such an extent as to hinder growth. When the railroads penetrated these counties their prosperity was to increase, but not before. Macomb, Monmouth, Galesburg, Toulon, Princeton and other towns ranging from five hundred to one thousand inhabitants are examples of this class.

Settlements by colonizing companies began to be of importance during the decade 1831-1840 when the whole country became entangled in land speculation. The Military Tract and especially Henry county, came in for its share of such ventures. No great success resulted, generally due to the lack of active settlers and the overabundance of those wishing to settle the county by theory rather than by practical attempts.

In the southern portions of the Military Tract the settlers to a great extent were men from the southern states, because these counties were settled earliest when this class of pioneers was in the majority. As has been mentioned before, the counties close to the Sangamon country where many Kentuckians and Tennesseans resided, naturally received a large part of their settlers from across the Illinois river. Along the Illinois river the Kentuckians were numerous save in the cities, but as the line of settlement moved farther and farther up the river the

percentage of Kentuckians in the population decreased and that of the northern pioneers increased.¹²⁹ In the other portions of the Military Tract like conditions prevailed and as the north is approached the percentage of southerners decreases.¹³⁰

Statistics seem to show that in the Military Tract before 1850, the southern stream had begun to lose force and when it met the stream of northern settlers in a contention for the timber lands it gave way to the more energetic northern people who took up the land. Having the faculty for adapting himself to his environments whatever they might be, the northern pioneer seemed destined to succeed in the conquest of the prairies. Far sighted, too, and believing in the feasibility of railroads, having seen them succeed in the East, he was more ready than his southern neighbor to venture away from the timber land and into the prairie.

¹²⁹ An examination of the biographies of four hundred pioneers in Schuyler and Brown counties before 1850 shows that one hundred and forty came from the states of the Northwest Territory; one hundred and six from Kentucky and Tennessee, ninety of these being from Kentucky; sixty-six from the Middle Atlantic states; forty from the southern states, sixteen from New England and thirty from foreign lands. (*History of Schuyler and Brown counties*, 377-394.)

The biographies of 1,324 pioneers of Peoria at the same date show that four hundred and thirteen had come from the Middle Atlantic states; one hundred and sixty-five from New England; one hundred and six from the South; one hundred and fifty from the northwestern states; fifty-three from Kentucky and Tennessee and four hundred and thirty-five from foreign lands. (Ballance, *Peoria*, 201.) Also see further illustration in Chapter V on the Illinois and Fox river valleys.

¹³⁰ One hundred and forty-three pioneers of Quincy before 1850 came from the following regions. Eighteen per cent. were New Englanders, twenty-eight per cent. were from the Middle Atlantic states, twelve per cent. from the South Atlantic states, fifteen per cent. from the Northwest, twelve per cent. from Kentucky and Tennessee and eleven per cent. from foreign lands. (Asbury, *Quincy*, 108-106.) In New Boston and Keithsburg in Mercer county forty-six per cent. of the pioneers whose nativities are recorded by the local historian came from the Northwest; twenty-eight per cent. from the Middle Atlantic states; eight per cent. from the South; five per cent. from New England; three per cent. from Kentucky and Tennessee and ten per cent. were foreigners. (*History of Mercer and Henderson Counties*, 92.) Monmouth, an inland town, shows practically the same results, for seventy per cent. of the biographies examined show the subjects to have come from northern states, twenty-one per cent. from southern states and nine per cent. from foreign lands. (*Past and Present of Warren County*, 203.)

CHAPTER VII

THE ROCK RIVER VALLEY

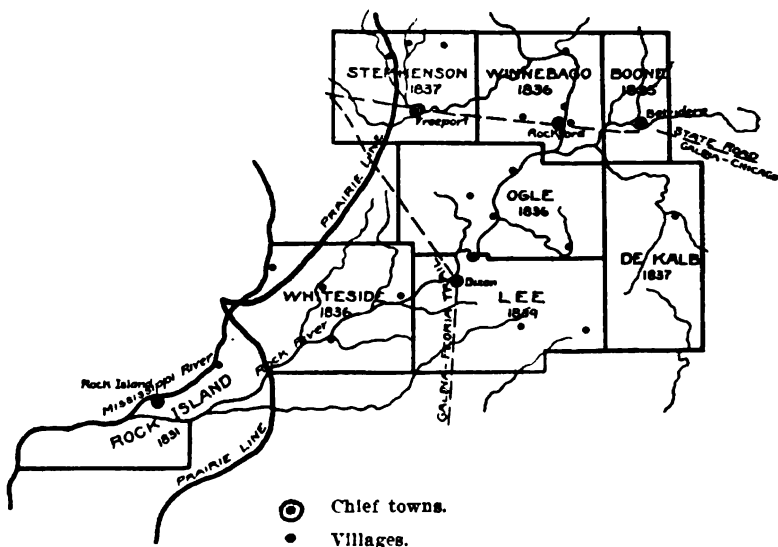
As an agricultural district the country around the Rock river can scarcely be surpassed. The surface is rolling prairie land dotted with groves and springs while along the streams are denser woodlands. The open country is exceedingly fertile and especially well adapted to the cultivation of grain. The climate is delightful and while it is one which, like other portions of our northern country, is subject to occasional marked changes in temperature, these changes have never been severe enough to cause more than slight inconveniences for the time.

It is scarcely to be wondered at that when once the pioneer settlers became acquainted with this region they flocked to it with almost incredible rapidity. In 1834 not a single county had been formed, but before 1840 eight counties had been organized and had a combined population of nearly 21,500. During the decade following, the increase was even more striking, for by 1850 the population had trebled itself, numbering at that date 66,200.¹ This rapid growth seems wonderful in view of the fact that it took place in a region practically isolated so far as facilities for communication were concerned, and also at a time when financial troubles oppressed the state as well as the rest of the country.

Slight settlement had taken place in the valley previous to 1830. In 1804 by the treaty of St. Louis the federal government acquired Rock Island in the Mississippi river from the Sac and Fox Indians.² Shortly after Ft. Armstrong was built

¹ *Seventh Census* (1850), 701-702.

² Flagler, *History of the Rock Island Arsenal*, 2.



ROCK RIVER VALLEY (1850)

West of the prairie line 20 per cent. of the country is woodland. East of the line all timber is along the rivers. The years indicate date of county organization.

and when the garrison came in 1816, Col. Davenport and his family accompanied them, being for a number of years the only whites in the vicinity, save the garrison. In 1826 the beginnings of the town of Farnhamsburg, the predecessor of Rock Island, was made, Col. Davenport and Russell Farnham, partners in the Indian trade, erecting a house on the mainland.³ For years the house was to act as post-office, hotel and court house. Two years later a few families came to live on the island but being impressed with the fertility of the mainland and owing to its protected condition they ventured upon it.⁴ The little settlement grew so rapidly that when the Black Hawk War broke out four years later, it furnished fifty-eight men for the service.⁵

Some sixty miles up the river was another small settlement. On the present site of Dixon where the trail connecting Peoria and the lead region crossed the Rock river, a half-breed named Ogee, attracted by the yearly tide of immigration flowing to and from the lead mines, had established a ferry in 1826.⁶ By 1829 some, tired of the ceaseless traveling to and from the mines, and impressed with the fertile land around them, had settled at the ferry. A post-office for the accommodation of the travelers had been established here and the settlers from as far up the river as Rockford came here for their mail.⁷ At the last named place stood a solitary pioneer cabin.⁸ Along the Galena trace in the neighborhood of Dixon were scattered other small settlements.

These were the settlements in the Rock river valley at the outbreak of the Black Hawk War. They were few in number and small in size but they portrayed pioneer tendencies by their location. The pioneer wished elbow room and disliked the hampering effects of civilization but still he was reluctant to give up all connection with his fellow men. As a consequence his

³ *History of Rock Island County*, 118-142.

⁴ *Stevens, Black Hawk War*, 79.

⁵ *History of Rock Island County*, 122.

⁶ *History of Dixon and Lee County*, 14.

⁷ *History of Lee County*, 38.

⁸ *History of Dixon and Lee County*, 4.

settlements were established on the waterways in the new country, or, better still, where the much traveled wagon road crossed the waterway, as at Dixon. The pioneer liked company but not too much of it and by establishing himself in such places as have been named he was able to fulfill his desires. Wherever the wagon roads offered good connections with the neighboring settlements, there were to be found the settlers' cabins. This is especially noticeable along the Peoria-Galena trace through the valley.

In view of the facts cited, it seems proper to date the real settlement of this portion of Illinois from the Black Hawk War. Moreover, the last strip of Indian territory in the valley was ceded to the government by the Winnebago Indians in September, 1832.⁹

The year 1831 had not been one of agricultural success and this, followed by the Indian troubles of 1832, reduced the settlers of the northern country to dire straits. So far everything seems to have operated against the pioneers and the country was not yet known to any extent.

The maneuvers of the troops in the Rock river valley while in pursuit of Black Hawk gave the men some opportunity to become acquainted with its advantages. It is evident that some of the soldiers from the eastern states were wide awake to the possibilities of this region, for shortly after their return home the vanguard of the New England and Middle states pioneers began to arrive in Illinois. One of the great causes for this immigration,¹⁰ we are informed was the stories told by the soldiers concerning the beauty of the country and the fertility of the soil.

During the next three years (to 1835) the pioneers, slowly gaining confidence owing to the settlement of the Indian troubles, again came to the Rock river valley, and, during the year immediately preceding the revulsion of 1837, settlers followed with increasing frequency. The Rock Island settlement under the shelter of Ft. Armstrong grew rapidly, developing into the

⁹ *Annual Report of the American Bureau of Ethnology* 1896-1897, 2, 737.

¹⁰ *Evanston Historical Society Publications*, (1902), 3.

town of Stephenson, which was the county seat of the newly organized Rock Island county.¹¹ In the immediate neighborhood, Fulton, at the narrows of the Mississippi was founded.¹² Clinging to the wooded banks of the Rock river, were Prophetstown, Sterling, Dixon, Oregon and Rockford, each at the time a very small settlement and having no importance save that of being a pioneer village.

Away from the river, however, in the groves bordering the smaller tributaries were settlements equal in importance, at that time, to the better known ones; but, later outstripped in growth because of increasing advantages of their neighbors, they are today deemed insignificant. Still in this study of settlement such places as Squaw Grove, Paw Paw Grove and Buffalo Grove have significance for the names call attention to the fact that in the early days of the conquest of the prairies the pioneers first sought the timber as a base of operations before venturing out into the open.

Sterling, one of the largest towns in the lower Rock river valley was organized in this decade and derived its name from a peculiar incident. Chatham and Harrisburg, rival pioneer towns situated opposite each other on the Rock river, struggled through three years for leadership in the newly organized county of Whiteside, each desiring the honor of being the county town. Each attempt upon the part of either contestant to gain precedence failed until finally the right to the county seat was decided by tossing a coin. The towns were united and the name Sterling was given to the new town.¹³

The northern part of the district did not, during the early years, make as much headway in settlement as did that part already mentioned. The most important center of population in Boone county had but twenty-three voters¹⁴ in 1836. Its importance was due to the efforts of a stock company which endeavored to take advantage of the waterpower of the Kish-

¹¹ Organized in 1835.

¹² *History of Whiteside County*, 157.

¹³ Whiteside county was organized in 1836.

¹⁴ *Past and Present of Boone County*, 231.

waukee river where it was crossed by the state road from Galena to Chicago.¹⁵

Rockford, which was also, from its situation on the Rock river where the state road crossed it, in an advantageous position, began its growth in 1835 and 1836. At the end of the latter year frame houses had begun to supplant the rougher log cabins of the previous years. Its greatest rival was Winnebago which for a time bid fair to become the most important towns of the county but upon its defeat for the honor of being the county seat a decline set in from which it never recovered.

In 1834, Congress made the Polish grant in Winnebago county.¹⁶ After the Polish insurrection of 1830 and 1831 numbers had been forced into exile, many coming to America. Those who came to this country sent a committee to Congress petitioning it for a grant of land. Congress replied by granting them thirty-six sections to be selected from the lands of Illinois and Michigan, laying but one restriction upon the choice, that those making the choice must select three townships adjoining each other. When the selection was finally made by the Polish delegate, Count Chlopiski, a year later, he selected the townships on which Rockford and Rockton stand, thereby both violating the terms of the grant and causing consternation among the settlers who hoped in due time to obtain lawful possession of the land upon which they had settled. Nothing, however, came of the Polish grant, for these people settled in another part of the country, and caused the Rock river settlers no more trouble than that of keeping them from establishing clear titles to their lands, for Congress, anticipating that the Poles would eventually take up their residence upon the selected tracts, did not put this land on the market until 1843.¹⁷

During the years 1835 and 1836 many settlers came to Stephenson county, especially in the latter year. While many of these were miners from the lead region, some were from the eastern states and a considerable number from the southern part

¹⁵ *Ibid.*, 280.

¹⁶ *Senate Debates, 23 Congress, 1 Sess.*, 1724.

¹⁷ Church, *History of Rockford*, 210. The Poles settled in Texas. (*Northwestern Gazette and Galena Advertiser*, Sept. 24, 1836.

of Illinois. This last class had, like many others, been impressed with the fertility of the country when they had passed through it in pursuit of Black Hawk and were now coming to take advantage of the opportunities it offered.¹⁸ The Winnebago Indians, who, up to this time had by their presence in this part of the state retarded settlement to a great degree, now withdrew across the Mississippi and by their withdrawal made the settlers in the district breathe easier, for the remembrance of the Sac and Fox disturbances was still fresh in the minds of the pioneers. The most important settlement was at Freeport, where an Indian trading post was established upon the Pecos river in 1835. Over fifty families congregated at this point during the following year.¹⁹

Such was the Rock river valley in 1837 when, owing to the failure of so many speculative schemes, the financial depression came and with it a new era in the settlement of the state. In the period just discussed only beginnings were made; some villages of respectable size had sprung up and hundreds of families were scattered here and there at the most attractive points.

This early period of settlement in the valley may be taken as typical of the progress of settlement into a new country. The river served as the highway of communication with the outer world; the two great roads through the valley, the one crossing the river at Dixon, the other at Rockford, also played their part. The map will show the location of the principal towns where the intersection of these highways took place, Rockford, Freeport and Dixon, with Rock Island at the mouth of the valley. Gradually the filling-in process took place and numerous smaller towns dotted the banks of the river. Along the two great wagon roads, settlements were also found but these were not to develop even into villages until the railroads came. Back from the main stream along the tributaries were still other settlements. Could we be allowed to view the valley as a whole the scene would be one of a line of cabins following the

¹⁸ Johnston, *Sketches of Stephenson County*, 55.

¹⁹ *History of Stephenson County*, 238.

timber lands, along the streams, and leaving the great prairies as yet untouched.

The towns, so far, had shown no signs of becoming cities and they were not to make rapid strides for another decade. The reason seems simple. Lines of transportation were not developed save a poor one in the Rock river. Lack of transportation facilities caused a lack of markets and since good markets help in the development of an agricultural district and are dependent upon this development for support, it seems that the problem of transportation was the key to the situation and in the interacting influences of agriculture and steam was to be found the solution of the prairie problem. When transportation was assured, development was rapid but it was not to take place for several years to come because of the period of financial embarrassment experienced by the state from 1837 to 1843.

This second stage of growth (1837-1843) was not one of rapid development. It is true that settlers still came, but not in large numbers; timber claims were still in demand but in a less marked degree than formerly. Rock Island and Dixon increased a little as did the smaller settlements of the lower Rock river valley. A local historian notes the arrival of a colony of wealthy New Yorkers near Dixon in 1838²⁰ but it seems scarcely probable that men of much property would care to exchange their homes for the privations of the frontier.

In the closing years of the decade, 1831 to 1840, Ogle county grew little, but in the early forties settlers came more frequently. Money was scarce; times were hard; few markets for farm produce presented themselves; the merchants refused to pay cash for products, all of which served to make the lot of the pioneers a harder one. Those already in the country, believing in the ultimate adjustment of conditions on a more favorable basis, were willing to endure the hardships for the sake of future possibilities and remained. A few others came. Grand Detour, Oregon, Mt. Morris, Buffalo Grove, Rochelle and Byron were the most important centers of settlement.

²⁰ *History of Dixon and Lee County, 7.*

Grand Detour, so-called from its situation in the great bend of the Rock River, grew from a small village of a store and two dwellings in 1837²¹ to one of considerable size in 1842.²² Its growth is typical of the development of the early towns. Some advantages of transportation facilities were enjoyed and the surrounding agricultural country looked here for a market. Manufactures developed to an extent owing to high prices of transportation and it seemed the object of the community to be as nearly as possible self-sufficing.

DeKalb county in 1840 had the least number of inhabitants of any of the Rock river valley counties. This may be attributed to its location which was midway between the line of settlement along the Fox river and that along the Rock. No river of size penetrated the county and consequently there was no easy opening allowed for the settlers. There were, however, some settlements in the vicinity of the groves. Sycamore, which today is one of the important towns, was in 1840 "a dreary little village" of a dozen houses.²³

Rockford was the chief town of Winnebago county and before 1842 had become one of respectable size. In 1838 East Rockford and West Rockford were two settlements apart from each other. West Rockford had eighteen buildings; while the settlement across the river was slightly larger.²⁴ Similarity of interests caused them to combine in 1839, when, together, they were incorporated as the city of Rockford. At that time the population amounted to two hundred and thirty-five.²⁵ From this time in spite of the general depression throughout the state, Rockford enjoyed a rapid growth. Chosen as the seat of government for Winnebago county in 1839, its importance increased and by 1841 it had come to be the most popu-

²¹ *Sketches of Ogle County*, 60.

²² *Rock River Gazette*, Oct. 4, 1842, says the town had a good hotel; two stores, one of which did \$30,000 worth of business in a single year; a broom factory; a cigar factory; a flour mill with a capacity of 6,000 to 8,000 barrels a year; a printing press; and a saw mill. There was also a plow factory with a daily capacity of fifty plows.

²³ *History of DeKalb County*, 386.

²⁴ Church, *History of Rockford*, 134.

²⁵ *Ibid.*, 148.

lous town along the Rock river, having eight hundred inhabitants.²⁶

Although Winnebago was the most populous county in this portion of the state in 1840, settlement was carried on under adverse conditions especially during the later thirties. Prices were exceedingly high and money was scarce and those pioneers who as yet were unable to raise products varied enough to satisfy all their wants met with many hardships.²⁷

With money scarce as it was during this time it may well be imagined what small chance the pioneer had to purchase the necessities of life in such a country. One man ventured to say that there were not twenty farmers in the entire county in 1841 and 1842 who had a suit of clothes suitable to wear to church or to court, which they had purchased with the fruits of their labor on their farms. The truth of the situation was that those who had an abundance of products were unable to sell because none were in a position to buy, owing to lack of funds. It was indeed a time of discouragement and some men past the prime of life, tired of battling with the hardships of the new country, returned to their old homes in the East.²⁸ Such people, it is certain, would by their stories of frontier trials and privations actively oppose the movement of any of their friends to the West. Here we find one of the causes which operated against the settlement of the state even as late as 1845.

To a certain degree, Stephenson county seems also to have been an exception to the rule of slow settlement during the years immediately following 1837. In that year there were four or five hundred²⁹ settlers in the timber and in 1840 there were 2,800.³⁰ New England contributed most of the pioneers during this period although numbers of "Pennsylvania Dutch," Norwegians and English came also. The chief colony of Nor-

²⁶ *Chicago Weekly American*, Jan. 22, 1841. The town had two newspapers at this date. (Church, *History of Rockford*, 215, 300.)

²⁷ Church, *History of Rockford*, 131, quotes the following prices:—Flour, sixteen to thirty-two dollars a barrel; pork, thirty dollars a barrel; wheat, from three to four dollars a bushel; and sugar, twenty-five cents a pound.

²⁸ *Ibid.*, 131.

²⁹ *Illinois in 1837*, 106; *History of Stephenson County*, 257.

³⁰ *Seventh Census* (1850), 702.

wegians came from Nummedal and Thelemark in 1839 and settled at Rock Run. There were one hundred and fifty in the colony.³¹ In 1842 a colony of English peasants from Devonshire and Sussex settled in Ridott township.³²

Freeport developed as rapidly as did the rest of the county. A few houses were erected in 1837, but owing to the high price of lumber they were small ones.³³ All supplies were carted overland from Galena, a distance of more than fifty miles, and as a consequence prices were high and Freeport felt keenly the lack of transportation facilities. However, the town soon began to bear evidence of possibilities in the future and when in 1840 its population numbered almost five hundred it began to ape the manners of a city.³⁴ It appears to have been a frontier town of none too good a type. "Saloons were maintained and gambling indulged in without limit. John Barleycorn reigned in those days more generally in proportion to the number of inhabitants than he does now, while the Tiger of Pharaoh was a beast that roamed about freely."³⁵

Before passing from the discussion of this period it is necessary to mention an impediment to immigration to this country, which exercised more weight in the locality than financial troubles or the want of transportation facilities. The settlers, as we have noticed, were of all nations and from all portions of the United States, so it is not to be wondered at that there was infesting the Rock river country, a liberal share of counterfeiters, thieves and murderers. To a greater or less extent this class is always found on the outskirts of civilization and the Rock river valley was particularly unfortunate in being the rendezvous of such a band. These "Prairie Pirates" as they were called numbered about three hundred men who made it a business to buy moveable property and pay for it in counterfeit money, to steal horses and rob the cabins of the pioneers.³⁶ The law seemed powerless against these desperadoes, for often

³¹ Nelson, *Scandinavians in the United States*, 1, 132.

³² *History of Stephenson County*, 268.

³³ Johnston, *Sketches of Stephenson County*, 91, 92.

³⁴ *Ibid.*, 93.

³⁵ *History of Stephenson County*, 264.

³⁶ *The New Yorker*, May 30, 1840.

members of the band were filling local offices and shielded their companions. Lynch law alone restored order to the troubled district when two of the "Pirates" were hanged.³⁷ Over one hundred men sat upon the jury which convicted them and later proceedings were brought against these jurymen. They were indicted for murder, tried but acquitted. The decisive action of the pioneers effectually stopped the raids and settlers were more secure thereafter in their lives and the possession of their property.

Other conditions unfavorable to the rapid settling of the country also prevailed in this period. Markets were scarce. The Rock river man was compelled to cart his produce to Galena or Savanna, on the Mississippi river, or to Chicago if he had a great quantity to sell. The expense of transportation taken in connection with the value of his time left little or no reward for the farmer who journeyed to market. To Galena was a trip of a week or more; to Chicago, anywhere from fourteen to twenty days, and after arriving, his wheat was worth but forty or fifty cents a bushel.³⁸

Moreover, the pioneer had trouble over his claims. Speculators, always on the lookout for improved farms, not held by good titles, were prone to snap up all such pieces until the Claims Associations were formed and by might secured to every settler his claim against "land-sharks" or "claim-jumpers." After the land sales of 1842 and 1843 these associations, no longer needed in this part of Illinois, gradually fell to pieces.

In spite of these drawbacks there was a Rock river emigration fever prevalent in many parts of the country, and settlers poured in and scattered themselves along the timbered portions until in 1840 the population of the valley had reached 21,500.³⁹

After 1843 the country filled up with amazing rapidity and in 1850 had in it over 66,000 settlers.⁴⁰ No longer did the small colonies attract the attention of local historians and our information concerning the development of this part of Illinois must

³⁷ *History of Ogle County*, 356.

³⁸ *History of Rock Island County*, 225.

³⁹ *Seventh Census* (1850), 701, 702.

⁴⁰ *Ibid.*, 701, 702.

be derived from such things as are deemed of importance by those writers. From the growth of the cities also we are able indirectly to form some conclusion concerning the growth of the agricultural class, for wherever a prosperous agricultural community was formed, a town of some importance was close by, since the latter must look to the former for support.

This great increase may be attributed to several causes. The Rock river country was known as a place of extraordinary facilities for agriculture. Those coming during the period previous to 1843 had sent extremely favorable reports to the East and naturally others followed the lead of the pioneers. The financial revulsion was over and money became more plentiful. Those people who had property in the East and wished to move west could now find purchasers and were set at liberty. During this period Illinois began to regain her good name, lost with the breaking down of her internal improvement scheme, and her half notion of repudiation of her debts. Heavy taxes, too, had kept many away, but with the re-establishment of her finances upon a firm and honorable basis it seems that immigration began anew. Finally the railroad through from Chicago to Galena was, before the close of the decade, an assured fact. Many flocked to the neighborhood of its line seeing its value as a market maker.

From 1843 to 1850 is a period of rapid growth, but chiefly in the agricultural districts. For example, the river towns of Whiteside county show very little growth, while those settlements farther inland show a rapid increase. The reason is evident. This portion of the county had been settled at the earliest date and all the available land had been taken up, consequently the new comers moved further up the small streams toward the interior. In Lee county the number of small settlements increased in numbers and in size while Dixon had nearly eight hundred inhabitants by 1851.⁴¹ Property valuation had increased as had the amount of agricultural products.⁴²

⁴¹ *History of Lee County*, 105.

⁴² Real estate was valued at \$215,000; personal property at \$168,000, and 430,000 bushels of small grain were produced each year (*Seventh Census* (1850), 730-2). There were also twelve corporations producing \$60,000 worth of articles each year (*History of Lee County*, 74).

In the counties of Ogle, DeKalb and Boone there was little growth in population. Lack of ready money and of markets as well as disputes over land claims operated against the growth of settlement. Moreover when the news of the discovery of gold in California reached Illinois a number of the farmers left, preferring to try their fortune in the far West rather than to struggle against the difficulties at home.⁴³ The population of these counties was chiefly of the agricultural class although Sycamore, DeKalb and Belvidere were settlements of some importance, the last having a population of about one thousand.⁴⁴ After 1845 the increase is more marked.

An examination of the sources of population in the counties treated so far shows a decided predominance of immigrants from the northern states and a very few from the southern states.⁴⁵

In the other northern counties of the valley the increase of settlement was more rapid. Winnebago county was in 1850, as in 1840, the most populous county of the district, having nearly 12,000 inhabitants.⁴⁶ Remembering the unfavorable conditions prevailing in the county during the early forties, this increase of settlement which must necessarily have come during the last five or six years of the decade, is remarkable. As the railroad across the northern part of the state was to pass through the most thriving town in the county, a market and an outlet for produce was thereby assured. The outlaw gang had been driven from the country, the financial difficulties were removed and settlements having sprung up all over the county, it was no longer a frontier. In these things, we are able to see the causes of the thriving condition of the new country scarcely two decades old.

In character the settlers did not differ from those in the other

⁴³ Boies, *History of DeKalb County*, 404.

⁴⁴ *Seventh Census* (1850), 703.

⁴⁵ An examination of the biographies of two hundred and seventy-seven early settlers of Whiteside county shows that two hundred and seven came from New England and the Middle Atlantic states and but nine from the southern states (*History of Whiteside County*, 77). Of three hundred and twenty-nine in Lee county, two hundred and nineteen were northern men; many were foreigners and a few southerners (*History of Lee County*, 177).

⁴⁶ *Seventh Census* (1850), 702.

counties of the valley. New Yorkers and New Englanders greatly outnumbered the settlers from other places, if Rockford and Rockton may be taken as examples.⁴⁷ Foreigners were also present.⁴⁸

Rockford was the metropolis of the northern prairies and enjoyed the most rapid and steady growth of any of the towns along the Rock river.⁴⁹ From a few scattered houses in 1838 it had grown to a town of 1,500 houses in 1850.⁵⁰ Business was thriving and numerous stores were supported by the people of the surrounding country because this was the only supply depot between Chicago and Galena. The appearance of the town was not prepossessing. State street, the business street, was "a crooked line of low wooden shops and stores,"⁵¹ although there were some respectable brick stores in the town.⁵² A low wooden bridge separated rather than united the towns which were even yet rival encampments instead of parts of the same town. The inhabitants of one town very seldom ventured across to the opposite side of the river save on business and the adventurers generally came home as quickly as possible. The rivalry did not cease until the railroad came and put its depot on the west side, which in the minds of the townsmen balanced the prestige enjoyed by the east side in the possession of the post-office.

Travelers seem to have been favorably impressed with Rockford at this date. A correspondent for a New York paper praises its location and says, "A better place for investments in

⁴⁷ The early homes of eight hundred and seventy-one of Rockford's settlers are known. Four hundred and seventy came from New York, two hundred and thirty-seven from New England and one hundred and sixty-two from other places in Illinois. (Church, *History of Rockford*, 281.)

One hundred and two of the early settlers of Rockton are known. Fifty-eight were New Englanders; twenty-three from the Middle states; eighteen, foreigners and the rest from various places. (Carr, *History of Rockton*, 16.)

⁴⁸ A colony of Scotch were at Willow Creek (*History of Winnebago County*, 454).

⁴⁹ Population of Rockford is given as follows; in 1839, 235 (Church, *History of Rockford*, 148); in 1841, 800 (*Chicago Weekly American*, Jan. 22, 1841); in 1845, 1278 (Church, *History of Rockford*, 281); in 1850, 2093 (*Seventh Census* (1850), 717).

⁵⁰ *New York Weekly Tribune*, Aug. 30, 1848.

⁵¹ Goodwin, *Commemorative Discourse* (Rockford, Aug. 14, 1870).

⁵² Church, *History of Rockford*, 238.

milling, manufacturing, etc., I did not see in the western states."⁵³ Still another speaks of it as, "one of the most beautiful and prosperous villages on Rock River" doing a large, active business and containing "many fine buildings and mills."⁵⁴

The farmers of the adjoining county were rapidly acquiring wealth and on the whole were abundantly satisfied with their circumstances. They possessed live stock valued at almost \$270,000 in 1850, and during the preceding year had produced 786,000 bushels of small grain,⁵⁵ a remarkable development when one stops to think that fifteen years before there were no farms under cultivation in Winnebago county.

Stephenson county more than kept pace with Winnebago during the decade, receiving about 1,700 more settlers than did the latter county and reaching a total population of 11,666.⁵⁶ In spite of the statements made by the local historians concerning the slowness of settlement during the decade 1841-1850, it is a fact that this county increased more rapidly than did any other county of the valley.

Immigrants from the Middle States and particularly from Pennsylvania formed the greatest part of the early pioneers of Stephenson county. The Pennsylvanians were Germans who proved themselves to be a substantial, industrious and thrifty class of settlers. A typical "Pennsylvania Dutch" colony came in 1843 and is described by one of the Pennsylvania papers in the following manner.⁵⁷ "On Wednesday May 31, a company of about sixty emigrants passed through this place on their way . . . to Stephenson county, Illinois. They had fourteen wagons, each drawn by an elegant span of horses. . . . They were all from one neighborhood, had plenty of cash and appeared in fine spirits."

The foreign population of the county constantly increased

⁵³ *New York Weekly Tribune*, Aug. 20, 1848.

⁵⁴ Curtiss, *Western Portraiture*, 283.

⁵⁵ *Seventh Census* (1850), 730, 732.

⁵⁶ *Ibid.*, 702.

⁵⁷ *Clarion* (Pa.), *Register* (Extract copied from this paper by *The Northwestern Gazette and Galena Advertiser*, July 7, 1843).

and congregated in and around Freeport. This place had in 1850 a population of 1,436,⁵⁸ one fourth of which were foreigners, mostly Germans.⁵⁹

As Rockford was the center of the agricultural district of Winnebago county, so was Freeport of Stephenson county. It was situated on the Galena-Chicago state road along which the proposed railroad was to be built. Its growth was as yet retarded by the fact that supplies were carried from Galena to stock its stores, but the energy and hopefulness of the settlers helped to build it up and give it a prominence in the district which was to be increased when steam traffic was finally a reality. Scattered along the line of the proposed railroad were small settlements patiently awaiting the time when they, too, by the aid of steam, would become markets for agricultural produce and derive benefit from the products of the country.

To the north and south of the railroad line, wherever a patch of timber gave shelter from the heat of summer and the cold winds of winter, there could be found a settler's cabin and before the end of the period every available bit of timber had been claimed. The farmers owned \$326,000 worth of live stock, and produced 759,000 bushels of small grain in 1850.⁶⁰ The prairies were, however, still unsubdued if we may judge from the amount of unimproved land at this date, there being 123,300 acres not yet under cultivation and only 76,300 cultivated.⁶¹ Low prices alone worked to destroy the prosperity of the farmer and when not long afterwards a remedy was applied the advance made by the district was a rapid one. For a time the effect of the gold excitement was noticeable, for between one and two hundred settlers left Stephenson county for the West.⁶²

In the discussion of the settlement of the Rock river valley there are really but two periods; the first extending to about 1843 when the revival from financial troubles took place; the second extending to the coming of the railroads. The first is one of beginnings in which settlement was retarded by both in-

⁵⁸ *Seventh Census* (1850), 715.

⁵⁹ Johnston, *Sketches of Stephenson County*, 70.

⁶⁰ *Seventh Census* (1850), 730, 732.

⁶¹ Johnston, *Sketches of Stephenson County*, 71.

⁶² *History of Stephenson County*, 283.

ternal and external influences. Speculators had caused a period of 'boom' which collapsed with the weakening of the financial system. Troubles over land claims, lack of markets, the presence of the "Prairie Pirates" and poor communication with the outside world all tended to make this earlier period one of uncertainty among the settlers.

The later period is the one in which the true growth began. Finances were again comparatively sound, the people were becoming acquainted with their prairie environments and most of all the coming of the railroad was to give them markets. Fully appreciating the advantages of the country, and fully realizing that in order to take advantage of the opening opportunities they would necessarily have to be on the scene at an early date, settlers flocked there in thousands, coming to the northern counties in the greatest numbers.⁶³ Likewise in the northern counties were located the chief towns, Freeport, Rockford and Belvidere. In the southern part of the valley Dixon and Rock Island alone had reached the dimensions of towns.

A glance at the census figures will show the northern counties to be developing more rapidly than their southern neighbors. The explanation of this lies in the influence which lines of communication have upon the growth and character of new settlements. Stage roads lead from Chicago westward across the state in various ways to the Mississippi river towns. Chief of these was Galena. The road leading to Galena passed to the northward from Chicago through Belvidere, Rockford and Freeport. Emigrants arriving in Chicago from the East by way of the lakes and bound for the Rock river valley seemed inclined to select this road to their destination. As an example, Belvidere, according to the local historian, owed its development to the fact that it was situated on this road. Moreover, the railroad was surveyed through these counties and the farmers knew that the value of their produce, to a

⁶³ Whiteside and Lee counties had a combined population of 17,590 in 1850, a gain of 10,400 in the decade; DeKalb and Boone had about 15,000, having gained 11,760 while Winnebago and Stephenson had 33,500 inhabitants which was a gain of almost 23,600 for the decade (*Seventh Census* (1850), 701-2).

great extent, depended upon the expense incurred in getting it to market, so they got as close as possible to the new line of transportation.

New Englanders and New Yorkers were by far the most numerous elements in the population. "Pennsylvania Dutch," Germans, Norwegians, and English, Irish and Canadians were generally grouped in settlements by themselves, but they formed a considerable part of the population of some districts, especially in Freeport and the northern portions of Stephenson county.

As a result of this influence of New England and the northern states, schools and churches rapidly sprang into existence, for it was evident that wherever half a dozen families were grouped there must be a school and there must be divine services if these people were to be contented with their lot in the western country. If we could follow their development farther it would be seen that but few years indeed elapsed between the log church and school house and those of more pleasing and imposing appearance.

However, it must be said that the true development of the Rock river valley was just beginning; vast stretches of prairie land still were lying unoccupied and the work of the railroads was yet to be done. The foundations had been laid during the period previous to 1850 but the social and industrial development of the region was to be the task of those who were to come later, and who by the aid of transportation facilities and improved farm machinery were to leave the woodlands for the open prairies.

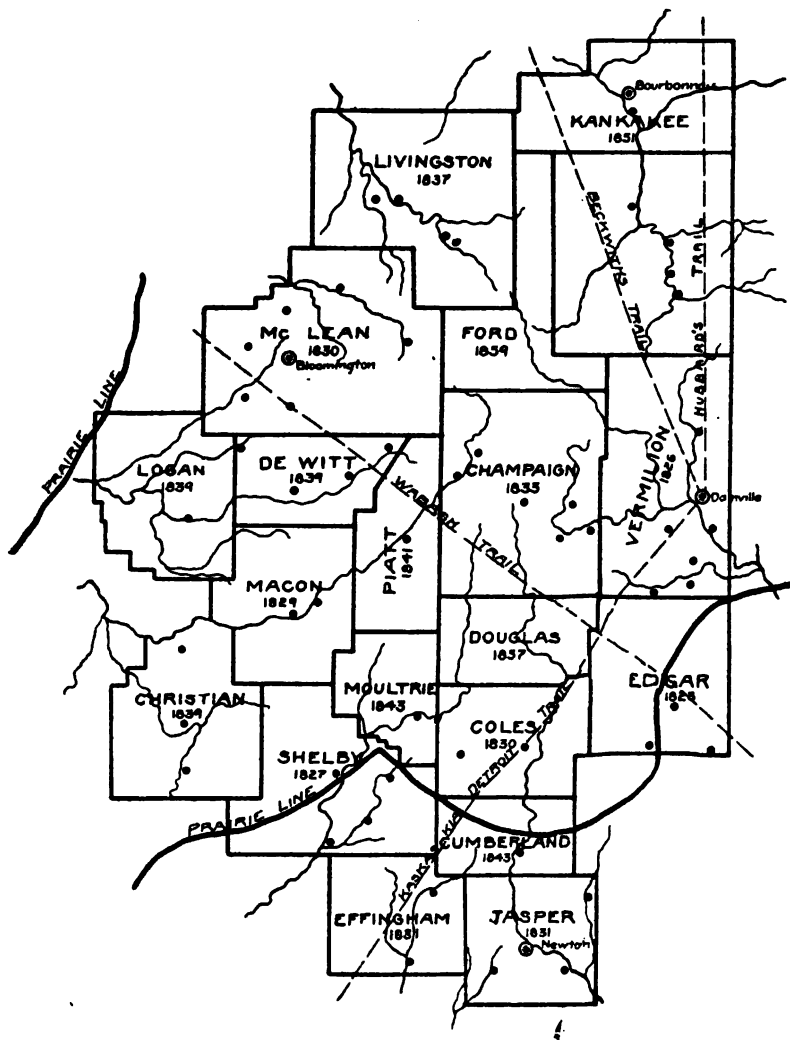
CHAPTER VIII

EASTERN ILLINOIS

Eastern Illinois is truly the prairie district of the state; and in this district settlement developed slowly, but five counties having been organized previous to 1830.¹ The period from 1830 to 1850 was one of beginnings in this part of Illinois. From the first appearance of American settlers until the railway had developed into a probability, the settlements were sparse, for here, too, the prejudice of the pioneers against the prairies displayed itself. Few indeed were the settlers who ventured away from the sheltering timber along the rivers and in nearly every case the early settlements are to be found on the edge of the timber lands. Exceptions, of course, there were but they were few. Along the most-traveled roads leading from the Wabash river settlements to those along the Illinois river or to Chicago, an occasional pioneer more venturesome than the rest built his little cabin, but even in such cases he was careful to select some spot where timber was close.

Local historians of eastern Illinois are agreed on the point that the scarcity of settlement in that district prior to 1850 was due entirely to the inaccessibleness of the country. Mr. Beckwith in his *History of Vermilion County* says there was no settlement on the prairie until 1849 when a rush of immigration came in, in anticipation of the passage of Douglas's Illinois

¹ The counties discussed under the head "Eastern Illinois" are Jasper, Effingham, Cumberland, Coles, Shelby, Moultrie, Douglas, Edgar, Vermillion, Champaign, Platt, Macon, Logan, DeWitt, McLean, Livingston, Ford, Iroquois and Kankakee. Of these Vermilion, Edgar, Shelby, Macon, and McLean were organized before 1831.



⊙ Towns of over 1,000 inhabitants.

• Towns of less than 1,000.

EASTERN ILLINOIS (1850)

North and east of the curved line is the prairie; less than 20 per cent. woodland.
Year indicates date of county organization.

Central Railroad bill, the discussion of which in Congress had attracted much attention to the prairie lands of the state.²

The combined population of the five counties organized at the opening of the period (1830) was less than 14,500 and two-thirds of this number were within the limits of Vermilion and Edgar counties on the Wabash river.³ Before the organization of the state Edgar county had received settlers and during the closing years of the decade 1821-1830 immigrants had poured into this portion of the state in increased numbers, distributing themselves along the rivers. Generally speaking, these early pioneers were from Kentucky, Tennessee, Ohio and the Carolinas. Directly to the north lay Vermilion county. Here the population was grouped in the timber lands along the Vermilion river and its tributaries in the southeastern part of the county.

Danville, the chief town, situated on the Vermilion river which, at that time, was navigable for steamboats during a great part of the year, had a population of three hundred and fifty and was the most important settlement in this part of the state.⁴ Coal mining which later was to become the great industry around the settlement had begun, but only on a small scale for the settlers did not comprehend the value of the coal fields and instead of claiming great portions were content to dig only what they needed for immediate use.⁵

While the early years of the decade 1831-1840 were prosperous years for central Illinois the spread of population was not rapid in either of the Wabash river counties although they both increased considerably in numbers of settlers.⁶ A filling-in process was going on here instead of an extension of the frontier line and the timbered banks of the numerous branches of the Wabash which crossed this part of the state were being taken up. Timber seemed plentiful and as yet there was no necessity for

² Beckwith, *History of Vermilion County*, 801.

³ Vermilion and Edgar counties had 5,800 and 4,100 settlers respectively; Shelby county had 3,000; Macon county 1,100; and McLean county had less than one hundred families. *Seventh Census* (1850), 701, 702.

⁴ Danville had six stores, four saw mills, two grist mills, a post-office, a court-house and a land office. *Illinois Monthly Magazine*, 2, 456.

⁵ Beckwith, *History of Vermilion County*, 847.

⁶ Some 7,500 settlers were added to the population of the two counties during the decade. *Seventh Census* (1850), 701, 702.

the pioneer to move out into the prairies. Condensation, however, was aided by another influence, for early in the thirties the Indian troubles in the north frightened many of the settlers of the upper Illinois river counties back to the stronger settlements in the south. Here and there in the small groves of northern Vermilion county and along the Hubbard trace leading to Chicago were small settlements which were broken up at the first alarm, the settlers moving to safer places and it was some time before they dared to return to their former abodes.

From 1841 to 1850 new forces were at work, tending to attract settlement to other parts of the state rather than to the Wabash river counties. Little timber land was left on the eastern side of the state and the ordinary immigrant could not afford to pay fancy prices to be allowed to remain in the older settled regions. The prairies alone were left in Vermilion and Edgar counties and since practically nothing was known concerning pioneer life on these enormous tracts of unsheltered country the pioneer feared to settle on them, thus being practically compelled to pass on by the eastern line of settlement and head for the timber line of the Illinois and Sangamon rivers or northward to the Iroquois and Kankakee. Favorable reports, too, came from the interior of the state concerning fertile land, fine timber and good water.

Later in the decade the Douglas Illinois Central Railroad bill drew much attention to that portion of the state west from Vermilion and Edgar and when the rush of settlers came during the closing years of the decade this influence also operated to the detriment of these counties for the railroad was too far to the west to come in contact in any way with the Wabash river settlements.

Besides, across the prairie in the neighborhood of the Sangamon river, settlements occurred often enough to remove the more evident frontier characteristics, but not so often as to leave no desirable land for newcomers. In short, central Illinois along the western skirts of the great prairie offered more advantages to the pioneer at a less expense than did the older Wabash settlements and naturally he went there.

Danville was in 1850, the most important town in this part of

the state but it was not a city. In other parts of the state Quincy, Galena and Chicago had grown to be cities at this date because of developed resources and because of favorable locations, but Danville not being a market of consequence, or the key to a great transportation line, was dependent upon an undeveloped resource—coal. When mining was begun on a large scale, Danville became a population center of sufficient importance to be called a city.

The other settlements of importance in these counties were Paris, Georgetown, Grand View, Embarras and Butler's Point.⁷ Paris was the chief town of Edgar county and Georgetown in Vermilion county, being the seat of a seminary which for quite a time was an educational center of importance, was a settlement of considerable size in 1850.⁸ The population of the two counties amounted to over 22,100 souls.⁹

As the pioneers approached the heart of the great prairie, the headwaters of those streams flowing into the Wabash, Ohio and Mississippi rivers were reached. These tributaries being small, unnavigable streams, offered little communication with the rest of the state and it was with slow and somewhat uncertain steps that the settlers ventured from southern Illinois, or the Sangamon country, to take possession of the timber lands in the prairie. The scanty settlements in this part of the state in 1830 show how slowly the acquisition of territory was going on.

Effingham county had but fifty families in 1830,¹⁰ all collected in five communities in the timber near the Embarras river; St. Marie and Newton settlements near the same stream were the settlements of greatest note in Jasper county. The scanty population of Cumberland county must be attributed to the wet, swampy character of the soil, which made it poorly adapted for farming land. A settlement of Kentuckians and Tennesseans on Bear Creek was the most important one in the county in 1830.¹¹ Coles county had sixty voters in 1831.¹² Moultrie and

⁷ *Seventh Census* (1850), 707.

⁸ Beckwith, *History of Vermilion County*, 521.

⁹ *Seventh Census* (1850), 701-702.

¹⁰ Perrin, *History of Effingham County*, 12.

¹¹ *History of Cumberland, Jasper and Richland Counties*, 112.

¹² *History of Coles County*, 244.

Douglas counties, not so many. Macon county, on the extreme eastern side of the Sangamon country, profiting by the timbered portions of the streams and by its proximity to the older established settlements of Sangamon county, had a considerable population. The Stevens and Ward settlements, situated one on either side of the Sangamon river, near the present site of Decatur, were the chief settlements.¹³ The greater part of the population lay along the river near the above-mentioned villages. Decatur was a settlement having no distinction save that of having a dozen log cabins and a street filled with stumps.¹⁴

Although De Witt county had settlers in the early twenties, the spread of settlement progressed slowly. In 1829 Governor Reynolds addressed the voters of the county at a political meeting which was attended by all the voters for miles around. Twenty-five in all came, "a motley crew, half of them at least were bare foot, while the best dressed were in their shirt sleeves."¹⁵ Logan, Piatt, Champaign and Ford counties had small settlements here and there but with the exception of Champaign county they remained unorganized for years.

McLean county, owing to its abundance of good timber land and the fact that it lay close to the older settlements, filled up rapidly, especially in the timbered tracts. The names Dry Grove, Twin Grove, Blooming Grove and Funk's Grove, tell plainly the story of settlement in McLean as well as in other counties of this part of Illinois. No settlers ventured away from the timber before 1849 or 1850.¹⁶ Blooming Grove, soon to become Bloomington, was the most important settlement in the county and had twenty families in 1830.¹⁷ Along the Vermilion in Livingston county and at Bunkum and Milford in Iroquois were gathered a few families.

In 1830 Danville, Paris, Blooming Grove and Decatur were the only settlements of any size in this part of Illinois. The rest of the population was scattered throughout the country in

¹³ *History of Macon County*, 31.

¹⁴ *History of Edgar County*, 306.

¹⁵ *History of DeWitt County*, 296.

¹⁶ *History of McLean County*, 591.

¹⁷ *Ibid.*, 306.

the timber lands, practically cut off from the rest of the state, almost destitute of markets and of those commodities generally enjoyed by older settlements.

However, a change was beginning to come about, for agricultural implements were now of as much importance as the axe and the rifle; and the pioneer began to forsake the bluffs and the bottomlands along the rivers and to adapt himself to new environments. The outside edge of the timber was found to be more convenient than the river banks, for the only chopping necessary was for the cabin since nature had made the clearings long before the coming of the pioneers. Here began a period of experimentation in which the pioneer was to get an idea of the possibilities of the great uncultivated fields all around him. For a time he felt himself powerless to take advantage of them since he had no means by which he could keep in touch with the rest of the world. Neither could he solve the problem of wood and shelter, when separated from the friendly timber.

Hard times, lack of markets close at hand, financial distress, state debts, high taxation, unfavorable reports spread by dissatisfied pioneers, which tended to keep back settlers, all made the task of the prairie man harder through this period from 1830 to 1850. The railroads had not been built yet and without their aid in solving the problem of transportation and communication it is small wonder that the pioneers from Kentucky, Tennessee and Ohio whose experience had all been with the timber lands, advanced with caution and even timidity to the task which lay before them.

Turning now to the southern counties of the prairie region, the growth of settlement shows that the pioneers of Jasper county came principally from Kentucky, Ohio and Indiana with some from the eastern and southern states. They were "squatters" who had been obliged by circumstances to leave the more thickly populated districts and begin life again in a new country.¹⁸ By 1834 there were enough people to warrant the formation of a new county, but the number must have been small, since at the first few courts held, the services of nearly

¹⁸ *History of Cumberland, Jasper and Richland Counties*, 382-383.

all the male inhabitants in the county were required to conduct the court proceedings.¹⁹ Land was taken up slowly. In 1836 there were possibly ten pieces of deeded land in the county and conditions remained so until about 1845.²⁰ Newton, the chief village, in 1835 consisted of but four or five families and while it had no public buildings, the village was fortunate in having a sawmill, an institution highly prized by our pioneer ancestors.²¹ The mail came once a week when the water was not too high.

In 1837 an important addition was made to the population of the county. For years there had been, in some parts of France, a desire among the peasantry to attempt the planting of a colony in America. The Picquet families, all well-to-do people, being attracted by the plan, sent one of their number to America to select and purchase a place suitable for the establishment of a colony. After traveling quite extensively through the states of the middle West the agent selected a site in Jasper county and returned to France in 1836 to make his report. In the following year a colony of twenty-five people arrived from France, purchased 12,000 acres of land and settled at St. Marie, calling their settlement the *Colonie des Frères*.²² In 1840 the settlers in the county did not number 1,500 in all. The chief settlements were Newton and St. Marie.²³

After 1845 the lands began to be taken up more rapidly and new settlers were not so scarce. In the closing years of the decade, when the hard times were over and Illinois had voted against repudiation and when the railroad seemed more than a mere possibility, settlements increased in number. The population of the county numbered in 1850 more than 3,200 souls and Newton, the chief center of population, had with its surrounding farms a population of more than 1,100. The Crooked Creek, North Fork and St. Marie settlements had between four and seven hundred settlers each.²⁴

¹⁹ *Ibid.*, 389.

²⁰ *Ibid.*, 388.

²¹ *Ibid.*, 481.

²² *Ibid.*, 484.

²³ *Seventh Census* (1850), 709.

²⁴ *Ibid.*, 709.

Cumberland county, directly north of Jasper, was settled to some extent by 1830, but was not organized until 1843, since the development, like that of Jasper, was slow during these years. Like Jasper, too, the greater part of the county was not in the hands of actual settlers until about 1860.²⁵

The beginning of work on the National Road through this county in 1832 gave an impetus to immigration and attracted not a few settlers to its immediate vicinity, most of whom came from New York and Ohio.²⁶ Greenup, located on the Embarras river where it was crossed by the Old National Road, was the most desirable place for settlement, and by 1840 it was a thriving village with mills and business advantages superior to any other settlement for miles around.²⁷ In 1850 its population numbered more than nine hundred.²⁸

Outside of Greenup, the county filled up slowly and before 1850 settlement was at a standstill. Cholera visited this part of Illinois during the forties and added to the difficulties besetting the pioneers and when the news of the discovery of gold in California came, quite a number of the settlers left.²⁹

Although there were no public buildings in Cumberland county for several years, owing to the inability of the inhabitants to decide upon a county town,³⁰ it was very well supplied with school-houses. One church, built of logs, was the only house of worship in 1840.³¹

Immediately after the close of our period, a time of prosperity began, for the land warrants issued by the United States government to the soldiers of the Mexican War were converted into holdings by the soldiers themselves, or had passed into the hands of others desiring land and in the years following 1850 nearly every acre in the county was taken up.³² The population of the county in this year was a few more than 3,700.³³

²⁵ *History of Cumberland, Jasper and Richland Counties*, 105.

²⁶ *Ibid.*, 113-114.

²⁷ *Ibid.*, 123.

²⁸ *Seventh Census* (1850), 708.

²⁹ *History of Cumberland, Jasper and Richland Counties*, 114.

³⁰ *Ibid.*, 136.

³¹ *Ibid.*, 172.

³² *Ibid.*, 114.

³³ *Seventh Census* (1850), 701.

In 1831 Effingham county was organized and during the early part of the decade increased in population quite rapidly, especially along the National Road which crossed the county. A census taken in 1835 credits Effingham county with about 1,000 settlers and two hundred acres of improved farm lands.³⁴ Soon after, owing to the arrival of the German colony which settled at Teutopolis, the land market was active and a considerable amount of land was taken up.

In 1837 Teutopolis was located and at once became a settlement of importance and the nucleus of the foreign population of the county. A company of Germans, one hundred and forty in number, was formed in Cincinnati for the purpose of founding a settlement in some western state. The subscribers were to pay ten dollars a month until a sum of \$16,000 had been raised. In the meantime an investigating and exploring committee was appointed to select a suitable place for a town. This committee, after tramping through a considerable part of Indiana and Illinois, decided upon Effingham county as the most desirable location, and reported it to the company as such. The company bought 10,000 acres of land and laid out a town whose main street was the National Road.

In 1838 the settlers began to arrive, some coming directly from Germany and others from the German settlements around Cincinnati. Those from the latter place came by water to St. Louis and then by wagons to Teutopolis, a distance of one hundred miles.³⁵ In all there were ninety families.³⁶ From time to time other families came and settled in the neighborhood. Douglas,³⁷ St. Francis³⁸ and Liberty townships were centers of German settlement. The latter had a varied population, however, numbering 'New Englanders, Buckeyes, Southerners, Hoosiers, English, Irish and Poles' along with its Germans.³⁹

Although the county had 3,700 inhabitants in 1850,⁴⁰ it had

³⁴ Perrin, *History of Effingham County*, 56.

³⁵ *Ibid.*, 251.

³⁶ Salsbacher, *Meine Reise nach der Vereinigten Staaten*, 229, note.

³⁷ Douglas township had forty-four adult male Germans in 1840. Perrin, *Effingham County*, 147.

³⁸ *Ibid.*, 232.

³⁹ *Ibid.*, 239.

⁴⁰ *Seventh Census* (1850), 701.

not a single church and not until 1852 was a house of worship erected. When the first church was built, it was a simple log structure and was made to serve as both school-house and church and was free to all denominations.⁴¹

The beginnings of settlement were made in Shelby county before 1830 and at that date the county had already been organized and had nearly 3,000 settlers. The early date of settlement may be explained by the fact that the county is well watered and well timbered since it is drained by many tributaries of the Kaskaskia river. The increase in the number of settlers during the twenty years amounted to 4,800. Moultrie county, however, had been cut off from Shelby county in 1843 which serves in part to account for the small increase in the number of settlers. Moultrie county's population in 1850 was a few more than 3,200.⁴²

By far the greater number of the pioneers of these two counties came from states west of the Alleghanies, which seems to indicate that in this part of Illinois the absence of lines of communication with the far eastern states served to limit the classes of settlers to those who came from neighboring states.⁴³

At the first election held after the organization of Coles county in 1831, sixty votes were cast.⁴⁴ At the end of the decade the population numbered 9,000, Mattoon and Charleston being the chief towns.⁴⁵ Unfavorable conditions existed in the county but the number of settlers increased in spite of the lack of markets and the existing poor prices.⁴⁶ In 1850 there were eight townships claiming between seven and fourteen hundred settlers each. Charleston was a village of importance, having

⁴¹ Perrin, *History of Effingham County*, 176.

⁴² For population of Shelby and Moultrie counties see *Seventh Census* (1850), 701-702.

⁴³ The biographies of four hundred and fifty pioneers of Shelby and Moultrie counties have been examined with the following results. Ninety-five settlers came from Ohio, eighty-seven from Kentucky, seventy from Tennessee, sixty-six from other parts of Illinois, forty from the southern states, thirty-six from Indiana and a few were foreigners and from the eastern states. *History of Shelby and Moultrie Counties*, 319-333.

⁴⁴ *History of Coles County*, 244.

⁴⁵ *Seventh Census* (1850), 705.

⁴⁶ Corn sold for eight cents a bushel and wheat for twenty-five cents. A cow and a calf brought eight dollars and good horses were bought for forty dollars. *History of Coles County*, 460.

eight hundred and fifty inhabitants.⁴⁷ School houses had been erected at various places in the county and Charleston had a church and a newspaper office.⁴⁸ The settlers came chiefly from Kentucky with some representatives from Virginia, Tennessee, the Carolinas and the states of the Middle West.⁴⁹

Champaign county owing to its location in the heart of the great prairie district, did not fill up rapidly, for timber was scarce. Permanent settlements were few before the Black Hawk War but after danger from the Indians had passed settlements sprang up in the timber. Urbana, Mahomet, Newcomb, St. Joseph, Condit and Sidney all had settlers by 1840⁵⁰ when the population of the county amounted to about 1,500 people.⁵¹

Urbana, the county town, was the most important settlement and boasted of having a store in 1834. The goods sold here had been purchased in Philadelphia, carted over the mountains to Pittsburg and shipped down the Ohio to Evansville, Indiana, from which place they were brought to Urbana by wagons. Owing to the heavy cost of transportation, it is not surprising to learn that calico and the coarsest kind of brown muslin brought prices varying from thirty-five to fifty cents a yard. Other articles sold at correspondingly high prices.⁵² Among the settlers of Urbana were numbered a physician, a preacher, a lawyer and still more important personages for frontier settlements, a blacksmith and a wagon maker.⁵³

In the next decade the population of the county increased to about 2,700 souls with Urbana and Homer as the chief towns, neither of which had more than two hundred settlers.⁵⁴ Champaign, now by far the most important city of the county, had not a single settler, being entirely the product of the railroad which crossed the county in the next decade.

While Champaign was not a frontier county in 1850, and while it was a large county with exceedingly fertile land, the

⁴⁷ *Seventh Census* (1850), 705.

⁴⁸ *History of Coles County*, 318-322.

⁴⁹ *Ibid.*, 500.

⁵⁰ Lothrop, *Champaign County Directory*, 373-428.

⁵¹ *Seventh Census* (1850), 701.

⁵² Lothrop, *Champaign County Directory*, 124.

⁵³ *Ibid.*, 439.

⁵⁴ *Seventh Census* (1850), 701-705.

population was much smaller than that of many other counties located in the northern or western parts of the state. The slow settlement can be attributed to two things; the lack of lines of communication with the populous eastern states, and the scarcity of timber land. The pioneers had not by 1850 learned the solution of the problems of the prairie and those who came to eastern Illinois sought places where timber was more plentiful than here.

The earliest settlers had come to De Witt county before 1830 but the organization of the county did not take place until 1839, owing to the small number of inhabitants. The Salt Creek settlement, now known as Farmer City, had but four families in 1832 and the nearest neighbors were ten miles away. In 1839 the number of families had grown to nineteen.⁵⁵ De Witt and Clinton villages had their first houses erected in 1835 and 1836.⁵⁶ By 1840 the former had a store, a mill, a hotel, a post-office and a church which made it a town of much importance in the county.⁵⁷ In 1840 the population of the county was about 3,250 and in 1850 it was 5,000; Clinton and Waynesville with from three to four hundred inhabitants each, being the principal settlements.⁵⁸

The nativities of the pioneers of De Witt county show that the early settlers came chiefly from the states of the Middle West, the representatives of the eastern states being few.⁵⁹

The settlement of Piatt county began in 1830 when some settlers came from Ohio. The county government was organized in 1840 with Monticello, a village of one hundred inhabitants, as the county town.⁶⁰ Settlement increased but slowly in the county and in 1850 the population was but 1,600.⁶¹

Macon county which at the opening of this period had 1,100

⁵⁵ *History of De Witt County*, 214-215.

⁵⁶ *Ibid.*, 151.

⁵⁷ *Ibid.*, 287.

⁵⁸ *Seventh Census* (1850), 706.

⁵⁹ Of two hundred and sixty settlers who came to De Witt county before 1850, ninety-five came from Ohio, thirty-eight from Kentucky, thirty from other parts of Illinois, twenty-two from New York, twenty from Indiana, eighteen from Tennessee and seven from New England. *History of De Witt County*, 339.

⁶⁰ Norris and Gardiner, *Illinois Annual Register* (1847), 105.

⁶¹ *Seventh Census* (1850), 702.

inhabitants, had in 1840, over 3,000 and in 1850 about 4,000.⁶² Decatur was the chief town but enjoyed a rather unsteady growth. It was begun in 1825 and was still a hamlet in 1836. In spite of the fact that from 1836 to 1842 the state of Illinois went through her darkest days, Decatur experienced her best ones until after 1850. During this period the growth of the village was comparatively rapid, owing to a belief among the people that a railroad was soon to be built through the town. In 1842 its population had reached five hundred, and here the decline set in because of the vanishing hope concerning the proposed railroad.⁶³ Through the rest of our period the town was at a standstill and to some extent this seems true of the county as a whole, for the gain of one thousand inhabitants in a period of ten years does not seem a great deal for a county which was situated in a rich agricultural district and no longer on the frontier. From its proximity to the Sangamon country and owing to its early settlement, it seems probable that a great part of the population was from the southern states, having followed up the Sangamon river.⁶⁴

McLean county, fortunate in having a liberal supply of timber besides fertile prairie land, was an ideal country for new settlers. As a result of these advantages the county which had but ninety-three families at the time of its organization in 1830, had, by the end of the decade, over 6,500 settlers, and by 1850 had reached the 10,000 mark.⁶⁵ To the natural advantages favoring McLean county there was one drawback which was of a serious nature, and that was the lack of a handy market. Chicago was the market for stock, and those farmers who had produce to sell were of necessity forced to carry it to Chicago—everything which could walk, sheep, hogs, horses, cattle, turkeys and geese, was driven. Occasionally other places served as

⁶² *Ibid.*, 702.

⁶³ *History of Macon County*, 116.

⁶⁴ Information here is inadequate. The nativities of fifty-five lawyers and judges have been recorded by a local historian. Twenty-four came from the South Atlantic States, seventeen from Kentucky and Tennessee, five from the Middle Atlantic States, two from New England, two from western states, and two were foreigners. *History of Macon County*, 31.

⁶⁵ *Seventh Census* (1850), 702.

markets but it seems to have been a general rule to trade at Chicago.

Although McLean county was considered as a frontier county as late as 1840, yet it had some settlements of importance before this date. Big Grove had one hundred and fifty families, Dry Grove had fifty, Cheney's Grove had twenty-four and Bloomington had four hundred and fifty inhabitants.⁶⁶ Besides these, there were two or three settlements made by colonies formed in the East.

In 1830 a company in Butler county, Ohio, sent an agent to Illinois to select and buy land preparatory to the establishment of a settlement. The instructions were carried out and in the fall of the year the colony, comprising five families in all, settled in Dale township.⁶⁷

Five years later another enterprise of the same sort was begun, but on a much larger scale. This time the promoters were Rhode Island men and their plan was to open up the western lands and settle enterprising farmers, mechanics and tradesmen upon them. A charter was obtained from the state and a company formed with a capital stock of \$12,500. Each subscriber was to receive three hundred and twenty acres of land and four lots in the village of Mount Hope. In 1837 fifteen families left Rhode Island and Massachusetts and settled upon their Illinois claims. A few houses were erected but owing to the panic of 1837 the plan never succeeded well and practically fell through. Eight thousand acres of land were, however, taken up and entered by the company.⁶⁸

A similar fate overtook the Hudson colony in the same year. The Illinois Land Association, as it was called, was organized at Jacksonville in February, 1836. In the name of one of the promoters, nearly all the township of Hudson was entered. The plan was to get subscribers for the company at two hundred and thirty-five dollars per share. Each share entitled the holder of the certificate to one hundred and sixty acres of land

⁶⁶ *History of McLean County*, 330.

⁶⁷ *Ibid.*, 612.

⁶⁸ *History of McLean County*, 579; Duls, *Good Old Times in McLean County*, 736.

besides twenty acres of timber for fencing, building and fuel, and also four town lots in the village of Hudson which was to be built upon the company's land. Since the greater part of the timber land of the county had already been settled upon, the agreement concerning the allotment of timber to each subscriber could not be fulfilled and some dissatisfaction arose therefrom, causing a number to withdraw. Twenty of the stockholders became settlers in 1837 but the financial trouble of that year put an end to the scheme. The settlers and promoters were from Hudson, New York.⁶⁹

Bloomington, it was believed in the early days, would never be a town of any importance since stone, timber, coal, water power and navigable waters, which were thought to be necessities for a successful settlement, were not to be found in any quantities near its site. Its growth, however, was a steady one, save only in the period of depression following 1837. From a village of eighty inhabitants in 1831⁷⁰ it increased to one hundred and eighty in 1834 and four hundred and fifty by 1836.⁷¹ The population had increased to six hundred in 1840 in spite of the unfavorable conditions existing at the time.⁷² During the next three years, however, the little town suffered. Lands and town lots became almost worthless; improved land could be bought for a dollar and a quarter an acre.⁷³ By 1843 every merchant had been forced into bankruptcy, money was scarce, farm produce was well-nigh worthless, emigration began among those who could get away and immigration had practically ceased. Much property was forfeited because of the inability of the owners to pay taxes.⁷⁴ From this date times improved and the village again began to grow. The small, irregular, sparsely settled town developed from one of 600 in 1840 to one of 1,600 in 1850, while the precinct outside of the town had an additional 1,000 settlers. Several other settlements in the county had more than seven hundred settlers.⁷⁵

⁶⁹ *History of McLean County*, 603.

⁷⁰ *Ibid.*, 316.

⁷¹ *Duls, Good Old Times in McLean County*, 45.

⁷² *History of McLean County*, 335.

⁷³ *Ibid.*, 336.

⁷⁴ *McLean County Historical Society Publications*, 1, 409.

⁷⁵ *Seventh Census* (1850), 712.

Most of the early pioneers came from western states; Ohio and Kentucky sending the greatest numbers.⁷⁶

Of the northern counties of eastern Illinois, Livingston and Iroquois counties were organized before 1850. In Kankakee county, then a part of Will county, was a settlement of interest. It was a Canadian community, established by Noel Vasseur, and for a time it flourished. Later, Americans came and filled up the surrounding county, but Bourbonnais as late as 1879 still preserved to a great extent the customs and appearances of a genuine Canadian village. In its best days possibly 6,000 or 7,000 people lived there in their quiet cottages, grouped about the church, college, and convent.⁷⁷ The census of 1850 credits the village with a population over 1,700.⁷⁸

While Livingston county was still a part of McLean county, settlements were started in it and by 1832 the Rook Creek, Belle Prairie and Indian Grove settlements each had a few pioneers. At Pontiac and Amity, and in Oswego and Forrest townships, a few settlers grouped themselves during the next few years.⁷⁹

Pontiac, one of the two important settlements, was located by New Yorkers who erected their cabins at this place in 1833. Four years later the town was surveyed, platted and lots sold at five dollars each. In 1850 a whole block in the same town could be bought for ten dollars and if it was an unusually desirable one perhaps twenty dollars would be required to procure it. In 1835 a few families from Ohio, Vermont and New York joined those already in Pontiac and three years later the first substantial addition was made in the shape of a colony of seventeen persons from New York.⁸⁰

A decade later the village presented the same appearance, having experienced no growth whatever. Half a dozen cabins,

⁷⁶ Of two hundred and sixty pioneers who came to McLean county before 1850, sixty-one came from Kentucky, sixty from Ohio, thirty from Virginia, fourteen from Pennsylvania, thirteen each from New York and Tennessee and ten from North Carolina. Only thirteen were New Englanders, eighty-eight from the other Atlantic states, while one hundred and fifty were from the states west of the mountains. Duls, *Good Old Times in McLean County*, 125-865.

⁷⁷ *American Catholic Quarterly Review*, 4, 598.

⁷⁸ *Seventh Census*. (1850), 716.

⁷⁹ *History of Livingston County*, 295-403.

⁸⁰ *Ibid.*, 300-301.

so hidden away in the bushes as to be almost invisible, and a court house composed the town of Pontiac. So insignificant was this county town at this date that, it is said, travelers sometimes inquired of its residents the distance to Pontiac. Its population in 1849 was seventy-eight souls.⁸¹

To the township of Amity must be accorded the honor of being the most important center of population in Livingston county prior to 1850. Settled first in 1833, its population numbered two hundred in 1843 and about two hundred and fifty in 1850.⁸² Many of the settlers had come from Ohio and were decidedly above the class of pioneers generally found on the frontier.⁸³

Besides these two settlements, but little else existed until along into the fifties, for the true development of the county dates from 1854, when the Chicago and Alton built its line.⁸⁴ The opening of the Illinois and Michigan canal in 1848 served to bring some settlers from northern Ohio and Indiana and southern Michigan, but the number was not large.⁸⁵ Settlement had not left the line of the Vermilion river by 1850 and even where so closely grouped this ribbon of settlement over the county did not exceed five miles in width. Beyond these limits occasional settlements were found but the largest ones had but four or five families each.⁸⁶

Development in all lines seems to have been slow. In 1847 not a store existed in Livingston county, the nearest approach to such an institution being a peddler who made monthly trips from Ottawa, supplying from his wagon the needs of every family in the county. The mediums of exchange acceptable were feathers, ginseng and deer skins.⁸⁷ The population in 1850 was 1,550,⁸⁸ the least of any county in Illinois.

The history of settlement in Iroquois county is a repetition of that of the other prairie counties. Scattered settlements are

⁸¹ *Ibid.*, 300-301.

⁸² *Ibid.*, 406-411; *Seventh Census* (1850), 711.

⁸³ *History of Livingston County*, 411.

⁸⁴ *Historical Encyclopedia of Illinois*, 341.

⁸⁵ *History of Livingston County*, 534.

⁸⁶ *Ibid.*, 422.

⁸⁷ *Ibid.*, 245.

⁸⁸ *Seventh Census* (1850), 702.

found along several of the wooded streams. The Kickapoo and the Pottowatomie Indians remained in the county until the years 1836 and 1837 and while they were friendly undoubtedly their presence served to retard settlement, for the Indian scare of 1832 was still fresh in the minds of the frontiersmen.⁸⁹

Several colonies of some note came during the years 1834 and 1835. First to come was a Pennsylvanian colony numbering thirty-two people, all of whom were owners of considerable property. They settled at Milford, and two years later were joined by a party of Virginians.⁹⁰ In 1835 a colony of Norwegians came, but in selecting a spot for settlement this colony was unfortunate and hit upon a place which was unhealthful. Sickness broke out among them and, discouraged by the outlook, the entire colony, numbering thirty people, left Beaver Creek in 1837 and went to Wisconsin.⁹¹

One example of a "paper town," we find in Iroquois county in 1835 during the period of the craze for speculation which swept over the country during the thirties. A company, known as the Plato company, bought some land, laid out a town and advertised it in New York and Boston as "the head of navigation on the Iroquois" and "one of the handsomest locations for a city in the world." Some lots were sold for higher prices than Chicago lots commanded but the undertaking proved a failure.⁹²

Various small settlements were made during the decade but the settlers clung closely to the timber and remained there until the Illinois Central Railroad crossed the county.⁹³ The pioneers came chiefly from Ohio, Indiana, and Kentucky but representatives from Pennsylvania, Virginia, Canada and Europe were also present. The population in 1850 had reached 4,100.⁹⁴

In 1830 the population of the counties of eastern Illinois amounted to 14,000 souls; in 1850 it numbered over 87,500,

⁸⁹ *Historical Encyclopedia of Illinois*, 200.

⁹⁰ *History of Iroquois County*, 138.

⁹¹ *Ibid.*, 339.

⁹² *Ibid.*, 388.

⁹³ Settlements were located at Onarga, Ash Grove, Belmont, Upper Spring Creek, Lower Spring Creek and in Middlefort, Del Rey, Concord, Iroquois and Stockland townships. *Ibid.*, 209-480; pt. II, 7-12.

⁹⁴ *Seventh Census* (1850), 702.

which seems small when the immense tract of land over which it was scattered is thought of. Little of the population was urban for in all this region there were but four settlements claiming more than one thousand inhabitants, and but nine more having over seven hundred and fifty.⁹⁵

The reason for the lack of towns seems a simple one; cities spring up either where natural resources are to be exploited or where business will naturally concentrate. Industry in eastern Illinois was wholly agricultural and the products were stock and grain. The great requirement was a market, and inland towns such as Bloomington could not furnish it, because there were no lines of transportation, whereby the accumulated produce could be transferred to another larger market for distribution. Consequently a city could not exist in this agricultural region save only with an outlet. When the railroads were built from Chicago south and southwest, tapping this agricultural region, prosperity was assured and a market placed close at hand for the farmer. The produce buyers of the inland towns no longer feared an accumulation of goods either agricultural or mercantile. The farmer, able to dispose of his produce, was inclined to buy more merchandise and the dealer realized his profits. Business increased with the increase of markets for farm produce, which was the work of the railroads.

The influence of timber upon the location of settlement is noticeable in this part of the state.⁹⁶ Even in 1850 the pioneer felt safest when reinforced by a friendly strip of timber, and at this date the process of taking up the woodlands was still under way. In the southern and central counties these timber tracts had been wholly taken up and around each patch of timber was a circle of cabins whose occupants cultivated that part of the prairie lying close by. Where the well-traveled roads, such as the Hubbard trace or the National Road, crossed the prairie, there were always found a string of settlers' cabins. The filling up process which was to go on in the spaces inter-

⁹⁵ Bloomington and Newton were the largest towns.

⁹⁶ Note the location of the county towns of eastern Illinois. Effingham, Danville, Charleston, Shelbyville, Sullivan, Decatur, Monticello, Urbana, Clinton, Bloomington, Pontiac, Watseka and Kankakee, were situated in the timber along the streams.

vening between the timber settlements had thus begun but as yet could not be carried on with any rapidity since transportation was no easier than before. On the northern frontier the timber had not all been claimed and here the development of settlement was not so far advanced as farther south. Besides in the northeastern counties of eastern Illinois the swampy lands practically prohibited settlement and it was not until these swamps were drained that the counties were settled with any degree of density.

An examination of the nativities of the early pioneers discloses a different state of affairs than existed in southern Illinois or in northern Illinois. It differs from southern Illinois in the fact that a considerable number of settlers came from the states north of the Ohio, but west of the mountains. In comparing the population with that of the northern counties it is found that the percentage of settlers from New England or the Middle Atlantic states is much smaller in eastern Illinois than in the northern section of the state. Here there were no great trunk lines of transportation to influence settlement and since many of the pioneers came from the neighboring states, it seems reasonable to believe that the settlement of this part of Illinois was the result of a natural movement of the agricultural classes such as has taken place within recent decades from those states east of the Mississippi river to Kansas, Nebraska, Minnesota and the Dakotas. The impelling force was not one which caused whole communities to move, but a force which came from the belief that conditions for the accumulation of wealth were better "farther west."⁹⁷

⁹⁷ The biographies of 1,138 early settlers in this part of the state have been examined with the following results; two hundred and eighty came from Ohio, two hundred and ten from Kentucky, one hundred and six from Tennessee, eighty from Indiana, eighty from other parts of Illinois, one hundred and sixty from the southern states, eighty from the Middle Atlantic states and but a few from New England. Six hundred and seventy-seven came from the four western states, Ohio, Indiana, Kentucky and Tennessee, and four hundred and sixty-one from other places.

CHAPTER IX

THE LEAD REGION

Long before the rest of northern Illinois received any settlers the lead district had been explored. Hennepin's map of 1687 locates a mine in the neighborhood of the present site of Galena and it is said that the French traders at Peoria purchased lead from the Indians as early as 1690.¹ A map of Louisiana published in 1703 shows plainly the location of Dubuque's mines west of the Mississippi and also the Galena mines.² Forty years later a score of miners eked a scanty existence here by means of surface mining.³ In 1769 Martin Duralde received a concession of land on Le Seuer's River of Mines for the purpose of mining⁴ and after a lapse of nearly twenty years Julien Dubuque appeared in the region and began mining on both sides of the Mississippi, working 'diggings' as far east as Apple River.⁵

It soon became known to the Americans that valuable lead mines existed in this region and accordingly negotiations were entered into with the Indians for the purchase of a tract of land fifteen miles square, to be located somewhere on the right bank of the Mississippi. In 1804 the treaty was signed⁶ and Congress passed a law providing for leasing the tract for terms not to exceed five years. No leases were made, however, until 1822.⁷ Now the miners began to come one by one, to share in

¹ Thwaites, *Notes on Early Leadmining*, in Wis. Hist. Collections, 13, 272.

² *Ibid.*, 274.

³ *Ibid.*, 276.

⁴ *Ibid.*, 278.

⁵ *Ibid.*, 280.

⁶ Davidson and Stuvé, *Illinois*, 346.

⁷ Washburne, *Lead Region and Lead Trade of the Upper Mississippi* in *Hunt's Merchant's Magazine*, 18, 288.

the industry which the Indians carried on to the best of their ability.⁸ In 1816 the first boat load of lead—seventy tons—was sent down the river.⁹ Col. Davenport, of Rock Island, an agent for the American Fur Company, established a trading post at Portage near the mouth of Fever river.¹⁰

Even now the United States government had not convinced itself of the exact location of the mines, for in the treaty concluded with the Indians, August 24, 1816 at St. Louis, when all lands lying north of a line drawn due west from the southern extremity of Lake Michigan to the Mississippi River were conceded to the Indians, a reservation of five leagues square on the same river was made by the treaty. This reservation was to be designated at some later time by the President and it seems evident that the sole object of this reservation was to obtain control of the lead mines whenever their location could be definitely determined.¹¹

The exact date of the first permanent settlement by whites in this region is not known. Boutilier,¹² Shull and Muir were probably here before 1820 and tradition has it that a man named January had for some years previous conducted a trading post at the mines.¹³ In 1819 an expedition consisting of six or eight boats carrying possibly one hundred men left St. Louis under the command of Col. R. M. Johnson bound for Fever river. After a slow trip of twenty days it reached Galena and the business of making a treaty with the Indians was accomplished after a parley of nine days. This negotiation concluded, "the mines were then for the first time opened for civilized enterprise."¹⁴

For three years little or no addition was made to the settlement. Estimates of the size of the settlement vary¹⁵ probably

⁸ Thwaites, *Notes on Early Leadmining*, in Wis. Hist. Collections, 13, 285.

⁹ *Personal Recollections of Col. John Shaw*, in Wis. Hist. Collections, 2, 228.

¹⁰ *History of Jo Daviess County*, 233.

¹¹ Thwaites, *Notes on Early Leadmining*, in Wis. Hist. Collections, 13, 286.

¹² Davidson and Stuvé, *Illinois*, 346.

¹³ *History of Jo Daviess County*, 231.

¹⁴ Bonner, *Life and Adventures of Beckwourth*, 20.

¹⁵ Tenny, *Early Times in Wisconsin*, in Wis. Hist. Collections, 1, 95, says there were but two cabins at the mines; the author of *The History of Jo Daviess County* (228), gives the number of cabins as ten or twelve.

owing to the instability of the mining population; but with the arrival of Col. Johnson with his band of slaves¹⁶ the rapid growth of population in the region begins. The first steam-boat came up the Fever river in this year and the shipment of lead in considerable quantities began. With the increase of this product, the increase of population advanced.¹⁷ During the years 1821, 1822 and 1823 an aggregate of 335,000 pounds was shipped from here; by 1827 it had increased to over 5,000,000 pounds and by 1829 to 13,344,150 pounds.¹⁸ which appears to have been the high water mark of export. 1127

In 1824 two events of considerable importance happened; the establishment of a store in the village¹⁹ and the arrival of the first colony of settlers. Up to this time the settlers were entirely dependent upon the supplies which they brought with them or upon those brought by the boats which occasionally came to the mines. The building of a store shifted a responsibility which, in all pioneer communities, was one of great weight and especially so in the case of the miners whose nearest neighbors at this time were at Peoria on the Illinois river. The colony hailed from Cincinnati and consisted of forty-three people under the leadership of Dr. Meeker.²⁰ The voyage from Cincinnati had consumed sixty days but this was considered good time for a keel-boat. Upon their arrival they found a settlement of about one hundred miners.²¹

Immigration now flowed in rapidly and the fifteen mile boundary prescribed by the treaty of 1816 was overstepped. Here and there in the surrounding country, at Shullsburg, East Fork and New Diggings, were grouped little mining camps,²² and when the season opened in 1826 nearly two hundred men were digging in the vicinity of Galena.²³ The number in-

¹⁶ Johnson brought between one hundred and one hundred and fifty slaves with him. (*History of Jo Daviess County*, 243.)

¹⁷ *Chicago Evening Post*, Sept. 5, 1896.

¹⁸ *Illinois and her Resources*, in *Hunt's Merchants' Magazine*, 5, 434.

¹⁹ *Galena and its Leadmines*, in *Harper's Magazine*, 32, 692.

²⁰ *History of Jo Daviess County*, 238; Meeker, *Early History of the Lead Region of Wisconsin*, in *Wis. Hist. Collections*, 6, 276.

²¹ *History of Jo Daviess County*, 242.

²² Davidson and Stuvé, *Illinois*, 346.

²³ *House Executive Documents*, 19 Congress, 1 Sess., 2, 7.

creased to over four hundred in June²⁴ and by the coming fall five hundred and fifty were there.²⁵ In the whole region it was estimated that nearly sixteen hundred men were at work by this time.²⁶ Fever River post office, of Crawford county, Illinois was established in 1826²⁷ and the mail came from Vandalia once every two weeks.²⁸ Fever River voting precinct, containing all the voters in the mining region as far north as Michigan was also established in the same year,²⁹ and at the first election two hundred and two votes were cast.³⁰ The tax collector for this settlement resided at Peoria and for a time could do no more towards the completion of his task than to record the names of the tax payers for the miners openly defied him and refused to pay taxes.³¹

Although Kellog's trail and Bolle's trail were the great lines of communication with the interior of the state, the most interesting accession to the population of the mining district came from the north. In the year 1821 Lord Selkirk's Swiss colon had come to America and settled in the far-away valley of the Red River of the North. For a period of five years they experienced many hardships, and becoming dissatisfied with the lot, a part left for the South, settling in St. Louis, still another part came to Galena in the autumn of 1826 and being financially well-to-do these new arrivals proved welcome additions to the settlement.³²

The fame of the lead mines spread abroad and the year 1827 saw a noticeable increase in the numbers of immigrants. Shortly after house was built and in place of the twenty cabins reported by the mayor of Galena in 1826,³³ with their five hundred and fifty inhabitants, there were now more than one hundred houses and stores,³⁴ and between 6,000, and 7,000 people residing

²⁴ *Ibid.*

²⁵ *History of Jo Daviess County*, 265.

²⁶ Davidson and Stuvé, *Illinois*, 346.

²⁷ *History of Jo Daviess County*, 246.

²⁸ Davidson and Stuvé, *Illinois*, 346.

²⁹ *History of Jo Daviess County*, 247.

³⁰ *History of Ogle County*, 249.

³¹ *Ibid.*

³² Chetlain, *Recollections of Seventy Years*, 6.

³³ *Niles' Register*, 43, 388.

³⁴ *History of Jo Daviess County*, 253.

the district.³⁵ The population at this date was also becoming more stable. Americans, Irish and French predominated, although in 1827³⁶ there came the first representative of a nationality which was soon to form an important element in the mining country. The new-comer was a Cornishman and, having emigrated from the lead mining region of England, naturally sought out that portion of the United States where he could to the best advantage pursue his vocation. From 1830 to 1850 the Cornish population in this region increased rapidly.³⁷

Through the unwise action of some of the miners the Winnebago war³⁸ broke out in 1827 and although the consequences were not serious much inconvenience was experienced by those miners living at some distance from Galena. All operations ceased at the first alarm and the miners hurried to the settlement where they were compelled to remain for some time experiencing actual hardships owing to inclement weather, scarcity of provisions and the limited accommodations for housing the additional population. The trouble with the Indians once over the miners again scattered over the country.

In the same year Jo Daviess county was organized and the town of Galena surveyed and divided into lots. No title was given to those occupying the lots and moreover it was provided that upon thirty days notice lots were to be vacated by the settlers no matter how much improvement had been made upon them.³⁹ Titles were, however, given in 1838. Although organized as a county of Illinois the people were not enthusiastic about becoming a part of the state, preferring rather to be part of a new state. In 1828, accordingly, a petition signed by the residents of this region was sent to Congress, praying that the territory north of the line of 1787 be organized into a new territory, the seat of government being at Galena.⁴⁰ Nothing

³⁵ Ford, *Illinois*, 67.

³⁶ *History of Jo Daviess County*, 253.

³⁷ Copeland, *Cornish in Southwestern Wisconsin*, in *Wis. Hist. Collections*, 14, 305.

³⁸ McLaughlin, *Levia Cass*, 124; Edwards, *Illinois*, 218.

³⁹ Davidson and Stuvé, *Illinois*, 346.

⁴⁰ The line connected the southern point of Lake Michigan with a point on the Mississippi River directly to the west. The Galena settlement was north of the line. At the admission of the state, the boundary was made 42° 30' (Sanford, *State Sovereignty in Wisconsin*, in *Am. Hist. Assn. Reports* (1891), 177-193). For the petition see *House Document* 35, 20 Cong., 2 Sess. 2.

was done in the matter till in the forties when another attempt was made by the northern counties to separate from the rest of the state. At this time the boundary question was settled at the present line.

Year by year the population of the lead region grew and with it grew the importance of Galena, its market place and its base of supplies. In 1830 the town had some nine hundred inhabitants,⁴¹ "a most singular and mysterious medley of people from all quarters of the earth" seeking wealth. Illinois settlers predominated, although there were probably representatives from every state in the union.⁴² Of the foreign population, the Irish seem to have been most in evidence.⁴³ In 1832 one writer estimates the population of the village at six hundred and sixty-nine people, there being some two hundred dwelling houses, warehouses and shops.⁴⁴ Another places the number at between 1,000 and 1,500,⁴⁵ while the Galena correspondent for the *Baltimore American* stated that "the town contained a population of 5,000 to 7,000 inhabitants."⁴⁶ Of these estimates probably the first is the most reliable as it is the most conservative and is given by a resident of the town. Allowing for the rapid increase of the summer the second estimate may probably be correct also, but the third one, published by *Niles' Register* is much too high and possibly refers to the entire district, the population of which had already been estimated at 10,000 souls.⁴⁷ "It was a lively little town giving promise of great things in the future."⁴⁸ A considerable number of stores had been established, groceries abounded, a dozen lawyers and four or five physicians were located there. The Methodists, Presbyterians and Roman Catholics represented the religious sects, each having established congregations.⁴⁹

The story of the settlement of the lead region has practically

⁴¹ *Niles' Register*, 63, 388.

⁴² Reynolds, *Illinois*, 168.

⁴³ *Ibid.*

⁴⁴ *Miners' Journal* (Galena, Ills.), May 9, 1832.

⁴⁵ Thwaites, *Narrative of Morgan L. Martin*, in Wis. Hist. Collections, 11, 398.

⁴⁶ *Niles' Register*, 34, 344.

⁴⁷ *Miners' Journal*, May 9, 1832.

⁴⁸ Thwaites, *Narrative of Morgan L. Martin*, in Wis. Hist. Collections, 11, 398.

⁴⁹ Atwater's, *Writings*, 238.

been told in the development of Galena. The succeeding years are but repetitions of the earlier ones with this exception—the field widened and soon the surrounding region for miles was dotted with small mining camps and trading posts.⁵⁰ The occupation was, however, interrupted, for the Black Hawk War broke out in 1832 and again the miners hurried to Galena asking protection from the Indians. The battle of the Bad Axe, in August, 1832, broke forever the power of the Sac and Fox Indians and when by the treaty closing the war the remnants of the once powerful tribes were removed beyond the Mississippi, the miners were at last allowed to carry on their work in safety.⁵¹

With the close of the war, growth again began and the “wonderful mixture of humanity”⁵² gathered new ingredients, for men of all nations and stations covered the “whole earth, north, east and south of Galena . . . prospecting, digging and looking for lead ore.”⁵³ At Berreman, Vinegar Hill, Hanover, Council Hill, Elizabeth, Rush, Apple River and Scales Mound, settlements formed varying in size but generally small, consisting of from three to a dozen miners each.⁵⁴ Of these Elizabeth, on the Apple River, was most important and had in 1832 a population of forty-five. Before 1840 the village was laid out and there were a school, a grist mill and a sawmill in operation.⁵⁵

Slowly indeed Galena lost the characteristics of a frontier town since the industry from which it drew its life tended to keep the population unstable and operated against the advancement of varied industries. However, in the closing years of the decade from 1831 to 1840 it was described as a town of 1,800 inhabitants and as having all the appearance of an old city, but deficient in cleanliness and comfort.⁵⁶ In addition to the churches already established an Episcopal parish was organized

⁵⁰ Thwaites, *Story of the Black Hawk War*, in Wis. Hist. Collections, 12, 228.

⁵¹ Stevens, *Black Hawk War*, 221-225.

⁵² Murray, *Travels in North America*, 2, 129.

⁵³ Reynolds, *Illinois*, 169.

⁵⁴ *History of Jo Daviess County*, 555-608.

⁵⁵ *History of Jo Daviess County*, 586.

⁵⁶ *Niles' Register*, 63, 388.

and a chapel erected in 1838.⁵⁷ A temperance society had been organized;⁵⁸ newspapers had from time to time been published, but owing to difficulties had died out until the establishment of *The Northwestern Gazette and Galena Advertiser* in November, 1834⁵⁹ which has continued to the present time; a Library Association had been formed supporting a library of over eight hundred volumes;⁶⁰ there was a fire department,⁶¹ and a branch of the State Bank of Illinois.⁶² Balls⁶³ and theatres⁶⁴ furnished amusement for the people, although accommodations for such gatherings were limited. Such was the 'Leadmine City' when it was incorporated by Act of the State Legislature in February, 1839.⁶⁵

By 1840 the population had increased to 3,000 and there were in the city five hundred and fifty buildings, the rateable property being estimated at from \$1,600,000 to \$1,700,000.⁶⁶ The bustle of business caused many an observer to prophesy a brilliant future for the town for it was then the distributing point for northwestern Illinois, as well as for southwestern Wisconsin. To its inhabitants and to those of the surrounding country it seemed destined to become "the largest and most flourishing city of the West, north of St. Louis."⁶⁷ Its location was peculiar; crowded together at the base of the bluffs, to a visitor it presented a singular appearance. Its compactness coupled with the instability of its population caused the election officials occasional embarrassment for, as *Niles' Register* stated, "the inhabitants shift about so from place to place and so many of them dwell in the holes and clefts of the rocks that it is difficult to say where they belong."⁶⁸

From a commercial standpoint Galena as the center of the

⁵⁷ *History of Jo Daviess County*, 504.

⁵⁸ *Miners' Journal*, May 9, 1832.

⁵⁹ *History of Jo Daviess County*, 433.

⁶⁰ *Ibid.*, 476.

⁶¹ *Ibid.*, 458.

⁶² *Ibid.*, 475.

⁶³ *Ibid.*, 254.

⁶⁴ *A Winter in the West*, 2, 50.

⁶⁵ *Galena and its Leadmines*, in *Harper's Magazine*, 32, 693.

⁶⁶ *Senate Document*, 349, 26 Congress, 1 Sess., 6.

⁶⁷ *Madison Express*, Feb. 1, 1840.

⁶⁸ *Niles' Register*, 65, 171.

mining region gained in importance during the decade. In spite of adverse tariff legislation and the unsatisfactory governmental administration of the mining lands, the industry increased, until 1847, when owing to the closing down of furnaces on account of the tariff,⁶⁹ the shipments of lead steadily decreased.⁷⁰ The exportation of wheat began⁷¹ and although nothing is stated concerning other farm produce it is not improbable that since this city was the most convenient trading post of the region, the agricultural class looked to it as a market for their products. The amount of exports was greater than that of any town on the Mississippi above St. Louis, amounting to about \$2,500,000 in 1846.⁷² Steamboats in great numbers plied from this port down the Mississippi; in 1840 there were three hundred arrivals and departures;⁷³ in 1846 there was a still greater number.⁷⁴ Thirty thousand families were dependent upon Galena for their supplies of merchandise.⁷⁵ The population of the city itself was reported to be 5,500.⁷⁶

In 1846 a radical change was made by the government in the administration of its mineral lands, which operated for the good of those occupying claims upon such lands. After the acquisition of this portion of the country by the treaty of 1804, Congress had passed a law reserving several of the lead mines from sale and authorizing the President to lease such mines. At that time the superintendence of the mines was one of the duties of the treasury department, but in 1821 was transferred to the war department which made the first leases in 1822. This system which was practically beyond the control of law, and subject only to the will of the secretary of war was productive of evils. Special agents, attorneys and others were finally entrusted with the duties of granting leases and collecting the rents. Favoritism and possibly worse things resulted. In 1835

⁶⁹ *Madison Express*, Sept. 8, 1846; *Weekly Northwestern Gazette*, Aug. 18, 1846.

⁷⁰ *Western Journal and Citizen*, March, 1852, 399.

⁷¹ *Niles' Register*, 60, 304.

⁷² Hall, *The West* (1848), 102.

⁷³ *Niles' Register*, 60, 388.

⁷⁴ Hall, *The West* (1848) 102.

⁷⁵ *Galena Jeffersonian*, Oct. 31, 1845.

⁷⁶ *Ibid.*

the system was for the time abandoned but was again revived in 1841 and the efforts made by occupants to obtain possession of their claims failed, owing to the exaggerated idea prevalent among the government officials at Washington concerning the mineral wealth of the region. In his report of 1845, Judge Shields, who was commissioner of the General Land Office, exposed the defects of the system and urged the sale of the mineral lands. As a result the Senate took hold of the question and in July, 1846, a law was passed directing the President to sell such mineral lands as were reserved in Illinois, Wisconsin and Iowa. Accordingly they were sold the next year and the squatters who had heretofore held but little right to their land now came into full possession of it.⁷⁷

Throughout the country few settlements had been made which were of any importance, save only those which were mining camps. Apple River, which in 1832 had a few stragglers, had in 1845 some two hundred men all of whom were engaged in mining.⁷⁸ Council Hill, a few miles to the east from Galena, had at the close of the decade three hundred settlers, most of whom were English.⁷⁹ Some agricultural settlers had congregated on the Old Sucker trail near the present village of Scales Mound⁸⁰ and Warren, Nora and Dunlieth (now East Dubuque) had each a few scattered settlers drawn from New York, Tennessee, Ohio and from foreign countries.⁸¹ These settlements, however, amounted to nothing until the Illinois Central road pushed its way across the state during the succeeding decade. Millville, laid off in 1846, contained a dry goods store, a blacksmith shop and a tavern; this made it for several years the most important village between Freeport and Galena.⁸² At the close of the period 18,600 people lived in Jo Daviess county,⁸³ and since there were at this time 60,000 acres of land under culti-

⁷⁷ Washburne, *Lead Region and Lead Trade of the Upper Mississippi*, in *Hunt's Merchant's Magazine*, 18, 288.

⁷⁸ *New York Weekly Tribune*, April 12, 1845.

⁷⁹ *Guide to Illinois Central Rail Road Lands*, (1861), 56.

⁸⁰ *History of Jo Daviess County*, 555.

⁸¹ *Ibid.*, 542-558.

⁸² *Ibid.*, 578.

⁸³ *Ibid.*, 216.

vation, we may believe that the agricultural as well as the mineral resources of the region were being developed.⁸⁴

Carroll county joins Jo Daviess county on the south and, in a way, its settlement is connected with the expansion of the lead region. Ten years after the whites settled on Fever River the first settlers came to Carroll county. Three families established themselves on the present site of Savanna in 1828.⁸⁵ Settlement developed slowly before the Black Hawk War, but after the war settlers came a little more regularly. By 1837, perhaps, Savanna, which was yet the only town of any importance between Rock Island and Galena, began to enjoy a period of comfortable prosperity. It became the shipping point for hundreds of pioneers of the middle and upper Rock river country, since it was easier to reach than Galena. From as far up the Rock river as Rockford and Freeport the pioneers came with their farm products and returned with merchandise and lumber.⁸⁶ In 1839 Savanna was chosen as the county seat. The fact that two hundred and twelve votes were cast at the election⁸⁷ shows that the growth during the period of the preceding ten years had not been excessively rapid.

Through four years Savanna enjoyed the distinction of being the county seat of Carroll; at the end of this time another town more centrally located took that position. In 1837 a Virginian had located where Mt. Carroll now stands and laid out a town called Richmond. Offering liberal inducements to settlers he secured a few, but the financial troubles of 1837 killed the enterprise.⁸⁸ Before the close of the year, however, a mill company located its buildings at Richmond. Being the scene of improvements it naturally attracted settlers, who, increasing in number, made vigorous efforts to bring their town to a place where it would be a rival of Savanna. Savanna had failed to comply with the provisions of the county organizing act, so when Mt. Carroll made an attempt to become the seat of county

⁸⁴ Peyton, *Statistical View of Illinois*, 13.

⁸⁵ *History of Carroll County*, 222.

⁸⁶ *Ibid.*, 359.

⁸⁷ *Ibid.*, 229.

⁸⁸ *Ibid.*, 254.

government, it was successful.⁸⁹ Steadily the settlements grew and smaller ones sprang up at places of vantage. In the course of a few years Elkhorn Grove, Wysox, Lanark and Salem settlements were added. The towns were small, however, and in 1850 the combined population in the county did not number 5,000 people.⁹⁰

The settlement of the lead region cannot be taken as typical of the westward expansion. Exceptional conditions to a remarkable extent influenced the settlement, and transportation facilities combined with a concentrated resource brought out frontier characteristics. The life of the settlement in the earlier days depended entirely upon the success of mining ventures and during this period, Galena, the centre of population, may be said to have had all the characteristics of a frontier mining town. On every frontier, it is true, we find a mixture of peoples but in the lead region this mixture is found in a peculiarly marked degree. Foreigners from all portions of the world and Americans from every state of the Union were here thrown together indiscriminately. For the few bonds of sympathy which would naturally exist in such a community, the miners got along well together. Some were, perhaps, inclined to vote before they were legally entitled to the privilege; others openly opposed the tax collector. Some were men of questionable character and nearly all were adventurers, but in spite of these characteristics it is a noticeable thing that little "claim jumping" was indulged in, few infringements made upon law and above all there seemed to exist among this people a thorough trust and goodwill for every one. The only laws at first governing this portion of the state were contained on a single sheet of foolscap paper, signed by the superintendents of the mines and posted up in the most public places. They dealt with the settlement of disputes over mining claims; but as for ordinary business transactions such as credits, the people were to settle these among themselves, entirely on the law of honor.⁹¹ In spite of this lax code of laws, seldom indeed did a miner fail

⁸⁹ *Ibid.*, 243.

⁹⁰ *Seventh Census* (1850), 704.

⁹¹ *History of Jo Daviess County*, 348.

to meet his obligations and debts were freely contracted and honestly paid; unruly characters were speedily and perhaps often roughly expelled from the town. On the whole the community seems to have been a law-abiding one, even if the law adhered to was the simple law of the frontier. As late as the thirties, we are told, there was little or no use for a jail, for during a period of three years but one criminal had occupied it and he but for a week.²²

The change of Galena from a frontier settlement to a city came when the development of the agricultural resources resulted in a yearly surplus which demanded a market, as did the products of the mines. Physiographic influences now became of greater moment. The concentrated mineral resource was in itself cause enough for the establishment of the city. To this was added the influence of the surrounding agricultural country which was developed by those who failed to find wealth in the mines. Lack of railroad communication made water communication all the more important, and Galena, situated conveniently upon the great water route to the southern markets became the collecting point for agricultural products for the markets of the South, as well as the distributing point for supplies brought up the river. With the increase of the settled area of the back country the importance of the city increased, and so it continued until the Illinois Central railroad penetrated the sphere of influence of Galena and drained the trade of the farming district towards the great lake port of Chicago.

Another characteristic in the lead district needs mention—the population. It has been noted that foreigners formed a considerable part of the population, but there was also a southern element present in large numbers and southern sentiment was for years strong in the community. To the mines may be traced the cause for the foreign population, but to the line of communication we must attribute the presence of the southern people. The Mississippi river was the thread of connection between this region and the outside world. To the east and the southeast especially before 1837 there was nothing save the prairie. Peoria far to the south (one hundred

²² *Miner's Journal*, May 9, 1832.

and seventy miles) was the only neighbor during the early days, consequently there existed little or no tie between Galena and the rest of Illinois. Before the prairies of the north were settled, a decidedly southern aspect had been assumed by the city and it was to remain so for many years. This characteristic, it seems, goes to show the influence which transportation routes have upon newly settled countries. Wherever a comparatively good line of communication leads through a locality in which a tendency to emigrate exists, it is natural for those emigrating to follow this line of travel. An examination of the nativities of settlers residing along the line in the newer country will reveal the fact that a considerable number of these settlers are from the older country bordering the same route of travel.

The settlement, development and prosperity of the lead region, therefore are due to a series of causes in which mineral wealth, transportation facilities and agricultural development each plays a part.

CHAPTER X

CHICAGO

For a number of years after the war of 1812 Chicago grew slowly. In 1818 there were, outside of the garrison enclosure, but two log huts in the settlement and the nearest post office was at Ft. Wayne, Indiana, from which the mail was brought once a month.¹ In 1820 when Schoolcraft visited Chicago he found "a small village of ten or twelve houses accommodating sixty people—half-breeds, Canadian-French fur-traders and Virginians."²

Three years later Major Long visited Chicago and passed decidedly unfavorable comments upon it. "The village presents no cheering prospect as, notwithstanding its antiquity, it consists of but a few huts, inhabited by a miserable race of men scarcely equal to the Indians from whom they are descended. Their houses are low, filthy and disgusting, displaying not the least trace of comfort. . . . It is not impossible" he added, "that at some distant period when the banks of the Illinois shall have been covered with a dense population and when the low prairies which extend between that river and Ft. Wayne shall have acquired a population proportionate to the produce they can yield, that Chicago may become one of the points in the direct line of communication between the northern lakes and the Mississippi but even the intercourse which will be carried on through this communication will, we think, at all time be a limited one; the dangers attending the navigation of the lake and the scarcity of harbors along the shores must ever prove a

¹ Mason, *Early Chicago and Illinois*, 12; *Life of Gordon S. Hubbard*, 38.

² Wentworth, *Reminiscences of Early Chicago*, 3 in *Fergus Historical Series* I., No. 7.

serious obstacle to the commercial importance of Chicago."³ Later development has shown beyond any doubt that the position of Chicago together with the scarcity of good ports along the lake has been of enormous advantage to the city.

By 1826 the taxable property in the Chicago settlement was valued at \$8,000, the American Fur Company owning by far the greater part. Thirteen other property holders resided here and the voting population numbered thirty-five.⁴ In 1829 the town was platted by the canal commissioners on land donated by Congress to aid the state in the construction of the Illinois-Michigan canal. The land sale took place in the fall of 1829 and competition among the land speculators forced the prices of lots up to a fancy figure for a frontier village.⁵

In 1830 the population was estimated at anywhere from twenty-five⁶ to one hundred people,⁷ although from time to time an influx of immigrants bound for the interior increased the population several fold for a short period.⁸ Still, Chicago had no post office but the village was now of sufficient importance to receive a call from the mail-carrier once a week instead of once a month, as formerly. Prospective work on the canal attracted population and during the year immigrants began to swarm in. A brisk trade sprang up with the Indians who remained in the region, increasing the profits of the few traders located there, but otherwise injuring the prospects for the growth of white settlement. In 1831 Cook county was organized.⁹ Previously it had been a precinct of Crawford county and had caused the tax collector of the county no end of trouble, for each year he was compelled to make the trip to Chicago to collect a few dollars which would not pay the expenses of the trip.

When 1832 opened there were half a dozen white families in Chicago and some Indians,¹⁰ five log buildings composing the

³ *Niles' Register*, 57, 35.

⁴ Wentworth, *Reminiscences of Early Chicago*, 15 in *Fergus Historical Series* 1, No. 7.

⁵ Kingston, *Early Western Days* in *Wis. Hist. Collections*, 7, 333.

⁶ *Land We Love*, 5, 470.

⁷ *Chicago Tribune*, Apr. 12, 1875.

⁸ Four hundred immigrants wintered here in 1831-32. (Moses and Kirkland, *Chicago*, 1, 87.)

⁹ Sheahan and Upton, *The Great Conflagration*, 26.

¹⁰ *Chicago Weekly American*, Aug. 15, 1835.

settlement.¹¹ As to the quality of the population at least one writer had decided views and expressed them. "Next in rank to the officers and commissioners may be noticed certain shopkeepers and merchants resident here; looking either to the influx of new settlers establishing themselves in the neighborhood or those passing yet farther to the westward for custom and profit; not to forget the chance of extraordinary occasions like the present. Add to these a doctor or two, two or three lawyers, a land agent and five or six hotel-keepers. These may be considered as stationary and proprietors of the half a hundred clapboard houses around you . . . Then for the birds of passage exclusive of the Pottawatomies—of whom more anon—and migrants and land speculators as numerous as the sand, you will find horse dealers and horse stealers—rogues of every description, white, black, brown and red—half breeds, quarter breeds and men of no breed at all; dealers in pigs, poultry and potatoes—men pursuing Indian claims, some for tracts of land

. . . others, for pigs which the wolves had eaten; creditors of the tribes or of particular Indians who know that they have no chance of getting their money if they do not get it from the government agents—sharppers of every degree, pedlars, grog sellers; Indian agents and Indian traders of every description and contractors to supply the Pottawatomies with food. The little village was in an uproar from morning to night and from night to morning; for during the hours of darkness when the housed portion of the population of Chicago strove to obtain repose in the crowded plank edifices of the village, the Indians howled, sang, wept, yelled and whooped in their various encampments; with all this the whites to me, seemed to be more pagan than the red men."¹² This view shows the constant changing and shifting of population which renders it almost impossible to make an intelligent estimate of the size of the village.¹³ It also brings to light the frontier characteristics which the village was not long to retain.

¹¹ *Early Days on the Lakes* (Walker Mss., in Buffalo Historical Society Publications), (1902), 5.

¹² Latrobe, *Rambler in North America*, 3, 152.

¹³ *Chicago Weekly American*, Aug. 15, 1835 estimates the population at two hundred; Andreas, *Chicago* (1, 159) says three hundred and fifty; in (1, 177), his estimate for 1833 is two hundred and fifty.

Beginning with the year 1833 Chicago enjoyed a wonderfully rapid growth until 1837. In May, 1833, the settlers organized the village of Chicago and by the end of the year there were one hundred and sixty frame houses¹⁴ in the settlement, which showed a distinct advance over the few log huts of but two years before. Commerce now began to spring up and in 1833 four vessels, aggregating seven hundred tons burden, arrived.¹⁵ Congress, to foster the new trade, made appropriations for the improvement of the harbor which at this date was an exceedingly poor one.¹⁶ A newspaper was established, *The Chicago Weekly Democrat*, which was obliged to suspend publication from time to time, owing to lack of paper.¹⁷

The immigration of 1833 became a flood in 1834. During a part of the month of April the arrivals numbered one hundred a day, and it was estimated that in May some eight hundred more arrived. Building grew apace and by the end of June seventy-five new buildings had been added. The price of land had begun to advance and desirable locations upon business streets commanded a rental of three dollars per front foot.¹⁸ The population was now established at 1,800.¹⁹

If immigration to Chicago was remarkable in 1834 it was enormous in 1835. In addition to the actual immigrants who came yearly in ever-increasing numbers, the land sale which was advertised to take place early in the year brought a crowd of strangers and capitalists ready to avail themselves of the rapid rise in land values which seemed sure to take place in and around Chicago and along the line of the canal.

Speculation reached its height in 1835 and 1836 and in the West, Chicago was its center. One transaction may be noted in the way of illustration. Early in the spring of 1835 a Mr. Hubbard bought eighty acres east of the river paying for it \$5,000. A few months after his purchase he had occasion to go east and upon visiting New York, much to his surprise, he

¹⁴ Flinn and Wilkie, *Chicago Police*, 44.

¹⁵ *Niles' Register*, 51, 274.

¹⁶ *American Railroad Journal and General Advertiser* (1847), 729.

¹⁷ Gale, *Reminiscences of Chicago*, 47.

¹⁸ *Chicago Weekly Democrat*, June 18, 1834.

¹⁹ Andreas, *Chicago*, 1, 159.

found quite a speculation in Chicago property raging there. Grasping the opportunity for a good bargain he hired an engraver, had a plat of his eighty acres prepared and sold half of his land for \$80,000. Upon returning to Chicago and spreading the news, city property went up enormously in price; "every man who owned a garden patch stood on his head, imagined himself a millionaire, put up the corner lots to fabulous figures and what is strange, never could ask enough."²⁰ The price of land rose an hundred and frequently a thousand fold.²¹ Sagacious men, looking far into the future, now seemed to perceive that cities and villages covering but small plots of ground were destined to grow without limit, and accordingly plunged wildly into speculation in lands, fearing all the time that it was already too late to reap the greatest benefits from investments. Over 572,000 acres of land were sold by the Chicago Land Office during the years 1835 and 1836.²²

To aid the spirit of speculation which now raged in the West, business was done almost entirely upon a credit basis and it so continued until loss of confidence precipitated a financial crash. The incessant coming and going of people made the population of Chicago an unknown quantity during these years of speculation and, as one authority says it was "so mercurial in its evolution that it was almost impossible to keep your finger on a man long enough to count him."²³ So rapidly did newcomers throng into the town that the taverns could not begin to hold the crowds; and men, women and children thronged the wharves and streets. Storehouses were thrown open for their shelter and when this device could no longer supply the demand for lodging places tents were set up in the streets.²⁴

The business blocks of the town had grown considerably²⁵ and the demand of lumber for new buildings was beyond the power of transportation facilities to supply, while the lack of

²⁰ *Ibid.*

²¹ Balestier, *Annals of Chicago*, 25. *Fergus Hist. Series*, 7, 1.

²² *Prairie Farmer*, 8, 231.

²³ Gale, *Reminiscences of Chicago*, 103.

²⁴ *Chicago Weekly American*, June 13, 1835.

²⁵ *Chicago Weekly American*, Aug. 15, 1835, gives the following list of business houses in the town: Fifty stores; eight taverns; twenty-five mechanic's shops; two printing offices; one steam mill; one brewery.

mechanics to construct new buildings was for the time being a drawback to the growth of the town.²⁶ The streets were in no better condition than formerly. Lake street had been turn-piked but the irregular manner in which the boards had been laid and the lack of proper slant in the gutters tended to collect and stagnate the water drained from the streets, making them places favorable to the breeding of fevers.²⁷ Such conditions caused some people to hesitate to settle here and rather than risk their health among such surroundings they went into the interior.

The year 1836 was but a repetition of 1835 so far as development was concerned. Excavation began on the Illinois and Michigan canal²⁸ which was a signal for a new crowd of settlers and speculators to flock into the city. For the year²⁹ four hundred and fifty-six arrivals of boats are recorded. Besides bringing immigrants in great numbers, large amounts of merchandise were brought to supply the trade which had now developed with the back country. A person reading the county histories of central and northern Illinois is struck by the fact that a great proportion of the agricultural class of all these portions of the state looked to Chicago for the market for their produce and for the supply depot for such merchandise as they needed. Rapidly indeed did this trade increase as the country filled up and the demand was so great in both country and in the city itself that there was a shortage in 1836 since the dealers had not calculated on such a tremendous increase in trade.³⁰ Stores became in great demand, ordinary places of business bringing from \$1,000 to \$1,500 a year rent.³¹ Population increased, but not with such rapidity as in preceding years, due probably to the fact that the commencement of work on the canal drew away many from the town, for a time at least.

In March, 1837, Chicago was given a city government and in the following May, William B. Ogden was elected mayor, at

²⁶ *Chicago Weekly Democrat*, Dec. 4, 1835.

²⁷ *Ibid.*, July 25, 1835.

²⁸ Colbert and Chamberlain, *Chicago*, 46.

²⁹ *Niles' Register*, 51, 274.

³⁰ *Chicago Weekly American*, July 9, 1836.

³¹ *Ibid.*

which election seven hundred votes were cast.³² Chicago was now a city indeed, in size as well as in government. By the census of July of 1837 it was found that 4,179 people³³ resided within the city limits, which extended over ten square miles. There were nearly five hundred buildings and the taxable valuation of property, placed at one-fourth the true value, amounted to \$236,842. The city taxes for the year were \$5,900.³⁴ The fact that the male population in the city, over twenty-one years of age, out-numbered the female population over two to one³⁵ gives evidence of the pioneer character of the city even at such a late date.

So far everything had been prosperous in this rapidly growing western town and indications pointed to a still more prosperous future; but the financial revulsion which swept over the country upon the heels of the craze for speculation proved a sad blow to Chicago. Immigration to the city stopped, or at least was checked to a great degree; business stagnated and city property became almost worthless, for no one wished to buy and every one wished to sell. Some men, accounted the most prosperous of Chicago's population in later years, owed their wealth to their inability to dispose of their property during these dark years of the city's history. The city gradually sank lower and lower in public favor and in commercial importance until it seemed "to sleep the sleep of death."³⁶ Slowly it revived from its lethargy and from 1842 again began to show signs of returning activity.

The population in 1838 was numerically less than in 1837 but a slight gain was enjoyed in 1839, as in 1840, from which date the yearly gains were more substantial.³⁷ The greater

³² *Illinois Blue Book*, (1900), 147, gives seven hundred and nine votes.

³³ Andreas, *Chicago*, 1, 159.

³⁴ Colbert and Chamberlain, *Chicago*, 49.

³⁵ Andreas, *Chicago*, 1, 177.

³⁶ *Chicago Times*, Apr. 30, 1846.

³⁷ Andreas, *Chicago*, 1, 159, and Balestier, *Annals of Chicago*, 35 in *Fergus Hist. Series*, 1, give statistics for the population of Chicago as follows:

1836		(A) 4000, (B) 3820
1837		(A) 4179, (B) 4179
1838		(A) 4000, (B) 4000
1839		(A) 4200, (B) 4200
1840		(A) 4470, (B) 4479
1841		(A) —, (B) 5752
1842		(A) —, (B) 6248

portion of the inhabitants were actively engaged in trade, but there were also a number of "retired families, army officers and persons living on incomes derived from land and funds."³⁸ A majority of the people were from the eastern states and this class of settlers held control of the city government. In 1841 Mayor Sherman and the twelve aldermen in the city council were all from the East.³⁹ Probably foreigners were next in number, there being 2,256, or almost thirty per cent. of the total population, of foreign birth or parentage in 1843. The population of the city at that date was 7,580.⁴⁰ Of the foreign element one-third were Irish and the greater part of the remainder, German and Scandinavian.

Business houses had increased in importance as well as numbers;⁴¹ new buildings were rapidly going up, and the number in the city had already nearly reached 1,400.⁴² The valuation of city property was a matter of conjecture and estimates varied widely.⁴³

Chicago had now become a shipping point of consequence. Previous to 1839 the city and the back country had been supplied with flour and other provisions from the East but in that year a vessel laden with seven hundred barrels of flour entered the port and was compelled to leave again without being able to dispose of her cargo.⁴⁴ The small consignment of wheat,

³⁸ Buckingham, *Eastern and Western States*, 3, 265.

³⁹ Blanchard, *The Northwest and Chicago*, 1, 671.

⁴⁰ Norris and Gardner, *Illinois Annual Register* (1847), 76.

⁴¹ Macgregor, *Commercial Statistics*, 338. In 1840 there were four commercial houses with a capital of \$35,000; ninety-seven retail stores, capital \$400,000; eleven lumber yards, capital \$40,000; four newspapers and three printing offices; two flour mills; one distillery and one furnace.

⁴² Colbert and Chamberlain, *Chicago*, 56; two hundred and fifty-six stores of which thirty-seven were brick and eight hundred and eighty-four dwelling houses of which eight hundred and forty-two were frame.

⁴³ Blanchard, *The Northwest and Chicago*, 2, 17.

1843	\$1,441,314
Parker, <i>Growth of Illinois and Chicago</i> , 19.	
1841	\$1,967,445
1842	\$1,530,213
1843	\$1,570,490
Western <i>Journal and Civilian</i> , 12, 5.	
1840	\$1,864,205
1841	\$1,883,160
1842	\$2,325,240
1843	\$2,250,705

⁴⁴ *Niles' Register*, 74, 265.

(seventy-eight bushels) which was shipped from Chicago in 1838, was followed by 3,700 bushels in 1839. Rapidly this trade increased and during the early forties, great quantities of grain poured into the city from the surrounding country. In 1845, 1,000,000 bushels were exported and this amount was doubled in 1847.⁴⁵

Probably the origin of this export trade in wheat can be traced to the failure of navigation on the Ohio and Upper Mississippi. Supplies could not be obtained at St. Louis in quantities large enough to supply all northern Illinois. Neither could they be obtained at Galena, the other supply point of the Upper Mississippi. As a consequence the farmers turned their faces towards Chicago in search of their winter supplies. Team after team wended its way to Chicago, carting loads of wheat, the great staple of the farmers. Having no money with which to buy supplies the farmers exchanged their produce for such ones as they needed and, since wheat was the most valuable agricultural product it became the medium of exchange for the farmer. Once trading at Chicago they found that, owing to better facilities for transportation, goods were not as high in price as in the towns along the river. By 1841 nearly all the farmers in Illinois, Indiana and Wisconsin within a radius of two hundred and fifty miles carted their wheat to Chicago.⁴⁶ Before 1850 other articles of farm produce were shipped in considerable quantities. Lake commerce made rapid strides even during this unfavorable period and the export list which amounted to but \$1,100 in 1836 had grown to over \$680,000 in 1843. The amount of imports which was \$325,200 in 1836 had increased to \$971,850 in 1843 although in 1840 and 1841 it was considerably lower than in 1839.⁴⁷

North of the Chicago River lay the residence district connected with the business portion by bridges and ferrys. Here pleasant residences surrounded by piazzas and gardens lined both sides of the streets. During the period of depression the citizens, despairing of ever seeing Chicago a great city, determined

⁴⁵ *Eighth Census*, (1860), *Agriculture*, xlii.

⁴⁶ *Albany Argus*, Oct. 11, 1841.

⁴⁷ *De Bow's Review*, 5, 374.

to make it at least a pleasant one, and from the gardens which, one by one, sprang into existence came the name "Garden City."⁴⁹ Rows of trees separated the sidewalks from the streets and added much to the appearance. As yet the streets were not paved and many of them still had the green turf of prairie grass in the center.⁵⁰ In wet weather and in the early spring and fall they were often rendered impassable. It was even necessary for the men to attend social events in long boots and the ladies to take advantage of drays as a means of conveyance for as yet carriages were scarce in this western city.⁵¹

A system of waterworks was established in 1839 when a company was chartered to supply the city with water. A reservoir was erected on the lake shore and a pump installed. A twenty-five horse power engine drew the water from the lake into the reservoir and distributed it through the city by means of a pipe line composed of logs with a three to five inch bore.⁵² Where the pipe line did not reach, water carts supplied the residents. This system was not replaced until 1851.

Such was Chicago in 1843. In spite of the disadvantages experienced during the years immediately preceding, the city had made rapid advance. Churches, hotels, school houses, libraries and a medical college had been established;⁵³ its commerce had materially increased as had trade with the interior; its population had increased in numbers and was no longer marked with such instability as had formerly characterized it and moreover speculation of the wilder kind had been effectually dampened. Everything seemed favorable for greater prosperity and more rapid growth.

During the period 1843-50 Chicago enjoyed a steady development. Its population which numbered 7,580 in 1843 had increased to over 28,000 by 1850,⁵⁴ and in the large percentage of foreigners present partook to an extent of the characteristics

⁴⁹Colbert and Chamberlain, *Chicago*, 52.

⁵⁰Moses and Kirkland, *Chicago*, 1, 105.

⁵¹Buckingham, *Eastern and Western States*, 3, 262.

⁵²Sheahan and Upton, *The Great Conflagration*, 29.

⁵³Balestier, *Annals of Chicago*, 32 in *Fergus Hist. Series*, 1; Norris and Gardner, *Illinois Annual Register* (1847), 18-19.

⁵⁴Andreas, *Chicago*, 1, 159.

of a seaboard city.⁵⁴ Speaking of this the Chicago correspondent of the *New York Tribune* says "of all the heterogeneous compounds that ever agreed to live neighbors, I think the like cannot be found this side of New York. It is only now and then a man, taken as they come, who can talk English without a 'rurr-r-r' to his tongue. Yet we get along very peaceably, each man having enough to do to attend to his own business without taking upon him the weight of other men's affairs."⁵⁵

Business increased rapidly as did manufacturing industries and commerce, property valuation rising proportionately.⁵⁶ The manufacturing establishments numbered one hundred and seventy-seven and employed 14,000 men,⁵⁷ of these concerns the McCormick Reaper Works probably became of greatest importance. City property was valued at from seven to eight millions of dollars.⁵⁸

By means of commerce more than by other means was Chicago now able to lay claims to importance. In 1836 the harbor of Chicago received four hundred and fifty-six vessels, bringing goods valued at something over \$325,000; exports for the year amounted to but \$1,100. The following decade wrought a wondrous change. In 1846 the vessels arriving at Chicago and leaving numbered 2,790⁵⁹ and carried merchandise valued at \$4,938,000.⁶⁰ The products of the richest agricultural portion of Illinois poured into the city bound for the East; wheat, flour, corn, oats and meat being the leading products. In 1836 not a bushel of wheat was exported. In 1840 there were only 10,000 bushels, but in 1848 the amount exported was 2,160,000

⁵⁴ *Prairie Farmer*, 9, 220.

⁵⁵ *New York Weekly Tribune*, Sept. 8, 1845.

⁵⁶ *Hunt's Merchant's Magazine*, (18, 171) gives the following list of business houses; twenty-eight commission houses; eleven clothing houses; seven drug stores; eight dry goods stores; sixty-four wholesale and retail dry grocery stores; sixty-three retail grocery stores; four hat and cap stores; twenty-three hotels; ten newspapers; twelve or fifteen insurance agencies; fifteen lumber dealers besides others. This was in 1845.

⁵⁷ *Industrial Chicago*, 3, 585.

⁵⁸ Parker, *Growth of Illinois and Chicago*, (19,) estimates the property at \$7,222,999; Blanchard, *The Northwest and Chicago*, (2, 17) places it at the same figure. *Western Journal and Citizen* (12, 5) gives it as \$8,101,000.

⁵⁹ *Hunt's Merchants' Magazine*, 18, 171.

⁶⁰ *De Bow's Review*, 5, 374.

bushels, some of which went directly to Europe.⁶¹ In the beef and lumber trade Chicago was equally as important, becoming, by 1850, the foremost market in the country in the amount of meat and lumber handled.⁶²

Chicago had grown with such wonderful rapidity both in population and commercial importance that in the struggle for wealth little attention had been paid to city improvements such as lighting the streets, paving them, providing proper supplies of water or proper sanitary arrangements. Criticisms unfavorable in the extreme are abundant. For example one writer says concerning drainage "the flat of the town is so level that it cannot be drained. The rain soaks in and dries up. It is a dry spell now but the deep gutters at the sides of the streets have yet abundant pools of green stagnant water. In a wet spell the depth of the mud depends entirely upon the specific gravity of the object fathoming it. There are no pavements for there is not a stone as large as a bullet in the whole country. The sidewalks are laid with plank and the cross walks with timbers. In the absence of mud there is a dust as fine as flour and some twelve inches or more in depth which is set in motion by every breeze and by the vehicles which plough through it. The water from the wells is a filtration through this mud. The inhabitants say they use lake water brought in by a hydrant but the article I have seen is very different from what we used on board the boat. It is decidedly dirty in its appearance and its taste also, a very essence of fever and ague. . . . Upon the whole, Chicago is about the last place a stranger would fancy as a place of residence."⁶³

Another says, "it was a rickety city of frame shanties . . . inhabited by a pushing, hustling, lively people, shut off as one looks at it now, from half the privileges and enjoyments that make life endurable."⁶⁴

⁶¹ First cargo of wheat bound for England left Chicago in 1847. (*American Agriculturist*, 6, 226.)

⁶² Curtiss, *Western Portraiture*, 51; *Hunt's Merchants' Magazine*, (18, 169) states that 7,550,000 feet of planks were handled in 1843, and 100,368,000 feet in 1850; Curtiss, *Western Portraiture*, (45) gives the amount for 1850 as 175,000,000 feet.

⁶³ *Prairie Farmer*, 7, 260. (Extract from the *Utica (N. Y.) Gazette*, 1847.)

⁶⁴ Van Dorn, *View of Chicago in 1848*, in *Magazine of Western History*, 10, 42.

Its position among the cities of the country once established, Chicago citizens began to look to local improvements. The old frame buildings thrown together in the shortest possible time rapidly gave way to more substantial brick edifices, in keeping with the times. Previous to 1844 the city had practically been at a loss to provide school houses for the children, being dependent principally upon renting such rooms as could be fitted up for the purpose. When, a few years later, one alderman had persisted in obtaining an appropriation and building a school-house, the people indignantly called it "Miltimore's Folly" on account of the supposedly enormous expenditures of money for an object the wisdom of which was questioned. The mayor ridiculed the extravagance of the venture for it would accommodate more children, he said, than would ever be in Chicago. Moreover, he suggested that it be turned into an asylum for the insane.⁶⁵ A change came about, however, and a traveler through the city in 1850 says "the greatest ornament of Chicago is its Primary Schools,—its common or free school edifices are the best buildings for that purpose I have even seen in any city."⁶⁶

Churches, too, shared in the increased prosperity. From cramped quarters occupied in the earlier years of the decade, these churches had come to occupy more elegant and spacious ones. Gothic architecture and stained glass windows had supplanted deserted warehouses and small frame buildings as places of worship,⁶⁷ and in 1850 the property of the twenty-nine churches in Chicago was valued at \$273,000.⁶⁸

In 1850 the Chicago Gas Light and Coke Company was organized and secured a contract to furnish gas light to the city for ten years.⁶⁹ The police force was also enlarged, one man being assigned to each of the nine wards.⁷⁰

Communication with the interior was improved. In the early spring the low prairies around Chicago were well-nigh impassable for teams and this condition operated to the detri-

⁶⁵ Binckley, *Chicago of the Thinker*, in *Lakeside*, 10, 261.

⁶⁶ Curtiss, *Western Portraiture*, 59.

⁶⁷ *Ibid.*, 306.

⁶⁸ *Compendium of the Seventh Census* (1850), 140.

⁶⁹ Colbert and Chamberlain, *Chicago*, 69.

⁷⁰ Flinn and Wilkie, *Chicago Police*, 58.

ment of the city people as well as the farmers in the interior. To overcome this difficulty substantial "plank roads" were constructed in every direction at a cost of from \$1,000 to \$1,500 per mile and kept in repair by the tolls collected. Although this was but one and one-half cents per mile the roads paid dividends ranging from fifteen to forty per cent. annually.⁷¹ To add to the facility of communication with the back country, the Illinois and Michigan canal was opened for traffic in 1848, as was part of the Galena and Chicago Union railroad a year later. For a time it seemed as if these additional lines of transportation operated to the detriment of Chicago, especially in the retail trade for it tended to draw the retail dealers nearer to their customers. This loss, however, was rapidly supplanted by a gain in the wholesale trade,⁷² for around the city grew up many smaller settlements which looked to Chicago as their supply depot.

Of the thousands of acres of land sold at the Chicago Land Office during the decade 1841 to 1850 much was close to the city and little fell into the hands of speculators. This latter fact aided in the settlement of the vicinity. Of the small towns in the immediate neighborhood of the city, Jefferson was settled in 1830,⁷³ Oak Park in 1833,⁷⁴ Norwood Park in 1834,⁷⁵ Blue Island in 1835,⁷⁶ Evanston in 1836,⁷⁷ Lake View in 1844⁷⁸ and Hyde Park in 1848.⁷⁹ By 1845 there were in Cook county twenty-two settlements besides Chicago, and twelve of these claimed five hundred or more inhabitants each.⁸⁰ The population of the entire county was 43,385 in 1850.⁸¹

The development of Chicago must be called wonderful rather than typical of the westward movement. During the early years of its existence, while it passed through the 'log cabin'

⁷¹ Curtiss, *Western Portraiture*, 52.

⁷² *Ibid.*, 52.

⁷³ Andreas, *Cook County*, 744.

⁷⁴ *Ibid.*, 782.

⁷⁵ *Ibid.*, 477.

⁷⁶ *Ibid.*, 629.

⁷⁷ *Ibid.*, 417.

⁷⁸ *Ibid.*, 708.

⁷⁹ *Ibid.*, 607.

⁸⁰ *Ibid.*, 341.

⁸¹ *Seventh Census*, (1850), 701.

stage of development the growth may be safely called typical of the growth of the West. Slowly the settlers came at first and in the accounts of travelers can be found the incidents which prove the frontier characteristics of the village. The years of booming and speculation came during the period 1833-37; steam navigation upon the lakes made the village a port of importance; the land fever gave aid to an unnatural growth but Chicago still remained a village for the lack of substantial support. The financial revulsion of 1837 checked the growth of the town as well as the state but with the return of confidence in the early forties Chicago again came to life, this time to enjoy a steady growth in numbers and in prosperity and to take advantage of its location.

At this date it appears that no longer can Chicago be taken as a type of western frontier towns but from this time on one must look to physiographic conditions for an explanation of its wonderful growth. As yet railroads had not penetrated the great agricultural fields of the West, but there was nevertheless a demand for markets for produce and these markets were in the East. During the decade 1841 to 1850 the prairies of Indiana, Illinois and Wisconsin were filling up rapidly and ever increasing fields of wheat, oats and corn ripened with each autumn. The increased number of settlers meant an increased demand for lumber and supplies of all kinds and Chicago, situated at the terminus of the great highway of communication with the East naturally attracted farmers by thousands, who came to exchange their farm products for the products of the East.

Chicago's growth was now substantial and normal because of its situation at the gateway of commerce. The great West, with its ever increasing wealth of agricultural products, was its storehouse; the East was its market and the city, being the favored point of collection and distribution, the connecting link between East and West, was destined to grow in wealth and power with the increasing demands of producer and consumer. Still greater possibilities were to open up when during the fifties the railroads were to radiate from the city to various points of the rich farming lands around the lakes, greatly increasing the area of influence of the rapidly growing metropolis. Primar-

ily a commercial city, for a time, to commerce must be attributed the development, but soon manufactures grew up to add to wealth and industry and in this departure may be seen still another cause for growth.

Another point must next claim attention—the character of the population. Here also is seen the influence of transportation routes. The line of the Great Lakes was the connecting link between the West and the seaports of the Northwest and along this great highway came many foreigners, who, desirous of making their homes in the interior, took the easiest road thither and came to the best known port. The result is seen in the fact that one-third of Chicago's population was of foreign descent. Moreover, New Yorkers and New Englanders abounded in the city and vicinity, probably for the same reason.

In a word, it appears that Chicago is the result of physiographic influences, its favorable location allowing it to profit by the influences of the interaction of the agricultural West and the manufacturing East. Its location at the terminus of the great line of communication with the East, thus becoming both a distributing and a collecting point for an exceedingly wealthy back country gave it the permanent foundation upon which to build its industrial life.⁵²

⁵² *Hunt's Merchants' Magazine*, (9, 31) prints an article in 1843, discussing the claims to future greatness of the cities of the section. The writer offers evidence to show that it will lie on the Great Lakes rather than on the Ohio river, but he decides in favor of the location at the mouth of the Maumee, rather than Chicago. The article is of interest as showing the difficulty of contemporaneous estimate of the condition which produced Chicago's ascendancy.

CHAPTER XI

FOREIGN ELEMENT IN THE POPULATION OF ILLINOIS

Immigration first assumed large proportions during the decade 1831-1840 and increased progressively during the next twenty years, being relatively greater in proportion to the native population than at any other period.¹ Just what percentage of the immigrants to the United States found their way to the Mississippi valley is difficult to determine as the estimates of the writers vary considerably and census statistics are not available before 1850.²

In 1850 Illinois had a population of 851,500 and of this number 110,600 were foreigners.³ Owing to the fact that Illinois was still a new state with an abundance of fertile land yet unclaimed in 1830, when European emigration began to become of some consequence, and that the state was situated at the terminus of the northern route of travel over the Great Lakes, it is natural to expect that it would have a considerable and varied foreign population and this is the case.

In selecting places for settlement there were decided preferences displayed by the various nationalities. The Germans, naturally, inclining towards agriculture were most frequently found in the agricultural districts; the Irish seem to have stayed in the cities or to have served as laborers along the lines of communication although an example of agricultural pursuits

¹ McLaughlin, *The Immigrant, Past and Present*, in *The Popular Science Monthly*, July, 1904, 225.

² One writer says that a seventy-five of every hundred continental immigrants to the United States went west, but only twenty-five of every hundred Irish and English went west. (*Walker, Mississippi Valley*, 347.) Another says that one-third the total immigration located in the West. (*Edinburgh Review*, 100, 242.)

³ *Seventh Census* (1850), 36.

adopted by Irishmen is to be had in the country along the lines of the Illinois and Michigan canal. When the work on the canal stopped in the early forties the Irish laborers turned their attention to agriculture, some of them following it permanently.

The English, Scotch, French and Swedes also inclined towards agricultural pursuits. Generally speaking the foreigners tended to settle together in localities apart from the other settlers and to maintain their national language and customs as long as possible. This tendency is displayed even today in both the country and the large cities. As time went on, however, the intermixture of Americans and foreigners became frequent, and as the country became more and more densely settled it was impossible for the various nationalities to avoid contact and in many counties the varied composition of population suggests an indiscriminate throwing together of representatives of a dozen nationalities.

The lead region affords an excellent example. One traveler speaking of the district and its inhabitants says: "The miners are the most wonderful mixture of humanity that ever I beheld; they are from all parts of the world but chiefly from Ireland, Derbyshire, Cornwall and Germany."⁴ Still another says concerning the same district, "I visited Galena in 1829 and found a most singular and mysterious medley of people located in that place. People from all quarters of the earth had flocked there on account of the celebrity of the lead mines."⁵ In 1843 about thirty per cent. of Chicago's population were foreigners⁶ and by 1850 fully one-third were of foreign birth.⁷ One-third of the votes in Peoria in the election of 1849 were cast by foreigners.⁸ Almost twenty-five per cent., of the population of Freeport in 1850 were foreigners.⁹ "In all

⁴ Murray, *Travels in North America* (1854), 2, 129.

⁵ Reynolds, *Illinois*, 168.

⁶ Norris and Gardiner, *Illinois Annual Register* (1847), 76; population of Chicago, 7,580; of these 2,256 were foreign. The Germans and Irish together numbered about 1,600. They were nearly equally divided.

⁷ *Prairie Farmer*, 9, 220.

⁸ Ballance, *Peoria*, 201. The total vote was 1,324. Foreigners cast four hundred and thirty-five of these. Germans and Irish were most numerous.

⁹ Johnston, *Sketches of Stephenson County*, 94. Population of Freeport 1,436—foreigners, 852.

the large cities and towns of Illinois, Europeans, mostly Germans and Irish, have located to a considerable number within the last fifteen or twenty years and in some localities the number far exceeds the native Americans,"¹⁰ says Reynolds in his history of Illinois and the statement does not appear to be overdrawn.

These conditions appear true also for the parts of the state outside the cities. Take for example Kane county. The local historian says, "There is probably no county in Illinois that has accumulated its population from such varied sources as has Kane county. From first to last there have been no less than ten distinct and separate nationalities which have furnished not individuals only but colonies, who have made their settlements in the borders of the staunch old county."¹¹ These examples do not, however, seem to be exceptional cases.

Germans were the most numerous of the foreigners in Illinois in 1850, composing over one-third of the foreign population of the state.¹² Economic, political, and religious influences were at work in the fatherland causing a tide of migration from all parts of the country to America.¹³ Once in America the cheap land of the fertile Mississippi Valley was an inducement sufficient to bring the Germans westward and the line of transportation over the lakes directed the course of the stream to the Chicago gateway of the Illinois prairies.

Religious unrest was one cause for German emigration. A reorganization of the Lutheran church had taken place in the later thirties and the ruling Hohenzollerns had ordered all subjects to conform to the new belief. Penalties were threatened for those who refused. Imprisonment, confiscation of property

¹⁰ Reynolds, *Illinois*, 184.

¹¹ *Past and Present of Kane County*, 222.

¹² *Seventh Census*, (1850), xxxvi.

¹³ Emigrants came from Luxemburg (Mrs. Levi, *Geographical Origin of the German Immigration to Wisconsin*, in *Wis. Hist. Collections*, 14, 377); Pomerania, (*Ibid.*, 14, 349); Prussia, (*Madison Enquirer*, Oct. 26, 1839); Hesse, (*Wisconsin Enquirer*, July 28, 1842); Bavaria, (*Schriften des Vereins für Social Politik*, 52, 90); Baden and Wartenburg, (Bahr, *German Immigration to the United States, 1840-1850*, 15, (M.S. Thesis, University of Wisconsin, 1903); Baltic Countries, (Mrs. Levi, *German Immigration*, in *Wis. Hist. Collections*, 14, 349); Rhine districts (*Little's Living Age*, 11, 201); and from the region of the Black Forest (*Niles' Register*, 72, 392).

and allied persecutions were practised to such an extent that many left their native land.¹⁴

Political grievances, too, were of importance all through this period. The unsuccessful attempts to obtain more liberal constitutions, coming immediately after the July Revolution of 1830 in France, had not left the minds of the people in peace, and many had emigrated. Gradually the movement gathered strength for a new out-break against the bonds of absolutism. The attempt was made for a more liberal government in 1848, but it failed. The result is seen in the emigration of the "Forty-eighters."

Greatest of all the influences, however, were those of an economic nature, and to these is due the increase of German emigrants in the decade 1841-1850. The small hand industries which for years had been a means by which the poorer Germans were enabled to make livings were now being beaten down by competition arising from the introduction of machinery.¹⁵ The evils of over-production and of over-population were at work. Subdivision of the land had gone on to a great extent and so small were the little plots of ground held by each peasant that it was with difficulty that the poor people eked out a bare existence. In normal years, at the best only a few potatoes, a little corn, oats, clover and hay could be raised by the peasants, and even well-to-do farmers subsisted on milk, potatoes and corn bread.¹⁶

When crops failed these poor peasants were destitute. During the early years of the decade crops were good but beginning with the extremely severe winter of 1844 and 1845 a change came. In that winter many of the vineyards were destroyed¹⁷ and in the following spring floods in the valleys of the Rhine, Moselle, Main, Neckar, Danube, Elbe and Vistula rivers materially interfered with agriculture.¹⁸ Moreover the potato crop failed, causing a correspondingly large increase in the price of bread stuffs and making it exceedingly difficult for the peasants

¹⁴ *Madison Enquirer*, Oct. 26, 1839.

¹⁵ See references in note 13 above.

¹⁶ Rahr, *German Immigration*, 14 (*MS. Thesis*, University of Wisconsin, 1903).

¹⁷ *Niles' Register*, 68, 145.

¹⁸ Rahr, *German Immigration*, 15 (*MS. Thesis*, University of Wisconsin 1903).

to gain a livelihood. The severity of the famine increased in 1846¹⁹ and the cold winter following added misery to the lot of the peasants. In many places the wealthy class was compelled to provide for the poor, to keep them from starving.²⁰

During these years the agents of transportation companies were busy among the people. They were well dressed and well supplied with money and told wondrous stories of wealth to be easily acquired in America, of political freedom, light taxes and easy government.

Resulting from these influences were such ventures as the *Geissner Gesellschaft* which had a plan to organize a German community in America as a state of the Union while retaining its German characteristics.²¹ Besides the organized colonies which emigrated to America, thousands of Germans came singly or in groups of two or three families and by 1850 there were in Illinois over 38,000.²²

Before 1830 there seem to have been few communities of Germans in the state but in the following years a rapid increase took place. The earliest settlements were probably at Dutch Hollow in St. Clair county and at Vandalia in Fayette county.²³ During the years 1831, 1832 and 1833 frequent additions were made to the settlement in St. Clair county. The village of Darmstadt marks the location of a colony of well-to-do agriculturists and tradesmen which sprang up in 1832. The so-called 'immigration of 1833' brought a number of highly-educated Germans to this portion of the state giving the name *Lateiner* settlement to the community. In 1837, the German settlers formed forty per cent. of the population of the township.²⁴

In Effingham county on the southern edge of the prairie district was another center of German settlement. A stock company was formed by some Cincinnati Germans and a site for a town was selected touching on the National Road in the

¹⁹ *Niles' Register*, 72, 392.

²⁰ *The Harbinger*, 2, 287.

²¹ Körner, *Das Deutsche Element*, 300.

²² *Seventh Census* (1850), xxxvi.

²³ Davidson and Stuvé, *Illinois*, 849; Köpfel, S., and Eggen, J., *Die Schweizer-Kolonie Highland in Illinois in Deutsche-Amerikanische Geschichts-Blätter*, April-July, 1906.

²⁴ *History of St. Clair County*, 64.

above named county. The first settlers came in 1838,²⁵ and were soon joined by others from Cincinnati and Germany. In 1840 there were ninety families in and around Teutopolis, the most important settlement.²⁶ In the nearby townships there were scattered German settlements.²⁷

German communities were scattered here and there along the Illinois river before 1850. One of the early settlements began in 1833 in Woodford county and increased steadily.²⁸ Another German community was established in Peoria about 1835;²⁹ it formed almost one-sixth of the voting population of the town in 1850.³⁰ During the latter half of the thirties a considerable colony congregated at Havana, in Mason county.³¹ A few years later another settlement of Germans began at Bath in the same county.³² At Perry in Pike county there was a German settlement of some importance before 1850,³³ and in La Salle county the German population was large enough to support three churches.³⁴ It appears that the above named settlements were not the result of colonies organized in Germany, but that the settlers came in smaller groups from the older settlements at Cincinnati and St. Louis. After the political troubles in Germany in 1848 the German population was generally derived directly from Europe and the increase was more rapid.

In the northeastern and northern counties of the state the Germans settled more frequently than in the southern counties. Wishing to follow agriculture, they were attracted by the rich prairie lands of the northern and eastern part of the state. A convenient line of communication also helped to turn the swarm of immigrants to Chicago, whence it scattered over the surrounding country. Cook, Lake, Du Page and Kane counties received German settlers in numbers sufficiently large nearly to crowd

²⁵ Perrin, *History of Effingham County*, 251.

²⁶ Salsbacher, *Meine Reise nach der Vereinigten Staaten*, 229, note 2.

²⁷ Perrin, *History of Effingham County*, 147, 230.

²⁸ *History of Woodford County*, 368.

²⁹ *History of Peoria County*, 489.

³⁰ *Deutsch-Amerikanische Geschichtsblätter*, Jan., 1901, 22.

³¹ *History of Menard and Mason Counties*, 509.

³² *Ibid.*, 576.

³³ *History of Pike County*, 474.

³⁴ Baldwin, *History of La Salle County*, 533.

out the original settlers. After 1848 the numbers increased rapidly, especially in Kane and Will counties, Aurora³⁵ and Elgin³⁶ in the former county being the chief centers of German settlement. The settlements in Will county date from 1846 and the success and growth of the communities seems due to the efforts of Conrad Tatge. During the years immediately following, most of the government railroad lands were bought up by Germans and soon those lands held by speculators also came under their control.³⁷

In the Rock river valley there were but three German settlements of any importance before 1850—Oregon in Ogle county,³⁸ Dixon in Lee county,³⁹ and Freeport in Stephenson county.⁴⁰ Of these Freeport was the most important; foreigners composed one-fourth of the population of the town and the German element was by far the most numerous. A short distance north of the town was another community of Germans located in Ridott township.⁴¹

At Galena in Jo Daviess county,⁴² Warsaw in Hancock county⁴³ and Quincy⁴⁴ and Melrose⁴⁵ in Adams county were the chief German communities of that portion of the state bordering on the Mississippi river. The settlements were, however, not large in 1850, the greater part of the present German population having come at a later date.

Other settlements of Germans in all probability existed in Illinois but since mention is not made of them in local histories, it seems safe to conclude that in 1850 at least, they were of no great importance.

As a class the Germans were desirable settlers owing to their quiet, sober, steady habits, their ability and industry. Those

³⁵ *Past and Present of Kane County*, 236.

³⁶ *Chicago Republican*, Mar. 16, 1867.

³⁷ *History of Will County*, 559.

³⁸ *History of Ogle County*, 489.

³⁹ *History of Lee County*, 177-185.

⁴⁰ Johnston, *Sketches of Stephenson County*, 94.

⁴¹ *History of Stephenson County*, 283.

⁴² Rodolf, *Pioneering in the Wisconsin Lead Region*, in *Wis. Hist. Collections*, 15, 350.

⁴³ *History of Hancock County*, 638.

⁴⁴ Asbury, *Quincy*, 103-106.

⁴⁵ *History of Adams County*, 540.

who came without money to buy land hired themselves out to landowners and were contented to serve as laborers until they had learned the industry and acquired enough capital to make purchases for themselves. They applied themselves to the cultivation of the soil, not as adventurers for the sake of experiment, but as farmers who meant to keep possession of it. They brought with them the same patient laborious habits which had distinguished them in their native land and as a consequence the settlements made, while retaining the characteristics of the fatherland to some extent, were models of well-ordered industry. The head of the family worked, the children worked and the women worked, too, often as hard as the men, sharing the men's labors in the fields; for the German 'although not destitute of romance was far from believing that women were made only to be ornamental.'⁴⁶ Following this rule it was not long before each of these German families owned not only its dwellings but the land upon which they stood.

While agricultural in their tastes the Germans were often found in the cities, Chicago especially having quite a large German population. It will be remembered that many of the early German settlers came by way of the Great Lakes, landing at Chicago. Few of these had money to spare, some had none at all. In the latter case they were unable to buy land but the industries of the city afforded abundant opportunities for making good wages and many a German remained here hoping by thrift soon to acquire enough capital to carry out his pet scheme—to buy a farm. Living was high in the city, money accumulated slowly, land rose rapidly in value and the would-be farmer gradually changed to a city man. Others came and the tendency to settle together manifesting itself, these later comers remained with their countrymen in the towns.

In politics the Germans were strongly democratic, even tending towards socialism. Their leading political newspapers called American democracy a mongrel affair. They were radical on questions of land reform and often led observers to believe they supported communism, apparently denying the right of private property and suggesting the experiment of a

⁴⁶ *Atlantic Monthly*, 32, 463.

general division of goods among the people. This was true especially about 1850, but probably did not fairly represent the feeling of the great body of Germans, since the editors of that time had but recently come from the revolutionary scenes of 1848.⁴⁷ However, it is probable that in spite of their tendencies toward radical political views and in spite of the fact that they attempted to an extent, at least, to retain the customs and language of their native land, the Germans were a valuable addition to the population of the state.

Causes for Irish immigration are not difficult to find: religious troubles,⁴⁸ oppressive tithes,⁴⁹ absentee landlords,⁵⁰ high rents,⁵¹ poor wages,⁵² poor cultivation of the soil, famines. The moral degradation and lack of education all combined to make the condition of the Irish peasant one of abject misery. Greatest among the causes were crop failures and famines. The years 1831, 1835, 1836, 1837 and 1839 were ones of partial crop failure and the great famine of 1847 spread misery throughout the entire island. It is reported that during this year five and one-half millions of the population were dependent upon the charity of the rest of the population—about three million in number—for food.⁵³ Misery, destitution and sickness were prevalent as is shown by the writers of the time,⁵⁴ and a corresponding increase of Irish immigration to America resulted.⁵⁵

The Irish upon landing in America tended to remain in the eastern cities, becoming day laborers or factory employes. When they left the cities it was generally to find work upon the lines of transportation then in the process of construction. A very small number devoted themselves to agricultural pur-

⁴⁷ *Christian Examiner*, 51, 353; Bruncken, in *Wis. Hist. Soc. Proceedings* (1901), 190.

⁴⁸ *Niles' Register*, 40, 406.

⁴⁹ *Ibid.*, 406.

⁵⁰ *Dublin Review*, 1, 281-313; 15, 148-168; 317-363.

⁵¹ *American Review*, 6, 461, \$15-\$25 per acre.

⁵² *Fortnightly Review*, 8, 40.

⁵³ *American Review*, 6, 637.

⁵⁴ *Blackwoods*, 64, 477; *British Quarterly Review*, 5, 524; Condon, *Irish Race in America*, 302; *Madison Express*, April 13, 1847. (Extract from *London Herald*. A letter written by a Mr. Shaw then in Ireland); *Niles' Register*, 23, 5; 38, 481; 40, 455; 41, 379, 448; *Western Journal and Citizen*, 6, 247.

⁵⁵ Young, *Report on Immigration* (1872), 14, reports over 500,000 Irish landing in America during the years, 1847, 1848, 1849 and 1850.

suits for they were too poor to acquire land and, moreover, the unpleasant experiences of their native home made Irishmen skeptical concerning the possibilities of returns from this industry.

In 1850 there were almost 28,000 Irish in Illinois.⁵⁶ There were scattered settlements in the state before 1830, but the influx came when work was begun on the Illinois and Michigan canal, and for some time the greater portion of the Irish settlement of the state lay close to the canal. The work invited large bodies of laborers and naturally the Irish made their way in considerable numbers from the seaboard cities to this district where good wages and steady work seemed assured.⁵⁷ They were scattered all along the line, two hundred or more being at Peru⁵⁸ and La Salle⁵⁹ in La Salle county, some in Grundy county⁶⁰ and some in Will county.⁶¹ In Chicago the largest number were gathered, there being almost eight hundred Irish in the city in 1843.⁶² Nine per cent. of the voters of Peoria in 1849 were Irish.⁶³

The course of events, however, operated in Illinois to change a number of Irish from laborers to farmers. The work on the canal progressed slowly for ten years. All sorts of expedients were resorted to by the state authorities to sustain the work. When money was no longer available the laborers were paid off in canal scrip which in consequence of the growing financial embarrassments of the state sank a great deal in value and at times was scarcely convertible at all. Much of this scrip was converted into land, however, and when work on the canal was for the time abandoned in the early forties many of the Irish laborers took up sections of land in the neighboring counties, or in other portions of the state; when they could be obtained town lots were taken. As a consequence the farming population of that part of the state immediately bordering the Illinois river

⁵⁶ *Seventh Census* (1850), xxxvi.

⁵⁷ Onahan, *Irish Settlements in Illinois*, in *Catholic World*, 33, 357.

⁵⁸ Buckingham, *Eastern and Western States*, 3, 222.

⁵⁹ Baldwin, *History of La Salle County*, 225-483.

⁶⁰ *History of Grundy county*, 143.

⁶¹ *History of Will county*, 650-906.

⁶² Norris and Gardiner, *Illinois Annual Register* (1847), 76.

⁶³ Ballance, *History of Peoria*, 201.

from Peoria northward and along the Illinois-Michigan canal is composed largely of Irish. Some Irish farmers are also found as far north as McHenry county.⁶⁴

In Monroe county an Irish settlement began in 1844 and before the elapse of a decade more than three hundred families had congregated in this portion of the state.⁶⁵ At Dixon in Lee county,⁶⁶ at Quincy in Adams county⁶⁷ and at Galena in the lead region⁶⁸ were communities of Irish but they were not large.

As a class the Irish settlers were not so desirable as were the Germans. Their poverty, their faith and their early education made their immediate assimilation into the population of the state impossible.⁶⁹ Their mission in the early days seems to have been the construction of the internal improvements of the state. By their native adaptability to new surroundings the Irish seemed best fitted for city life and many settled in the cities, especially in Chicago. In speaking of the Irish settler a writer of the time says: "His weakness lies in success . . . for with ten dollars in his pocket he is abashed by nothing in Heaven, earth or Chicago."⁷⁰

From England also there came many immigrants and for reasons similar to those causing the Irish immigration. Agricultural and industrial depression, enormous tithes, heavy taxes, poor wages and poor cultivation of the soil made the lot of the peasant class a hard one. Periods of rash speculation were followed by commercial crises which added their influence to that already operating to injure the peasant class and to increase dissatisfaction.

During the early thirties a general depression existed. "Landlords with mortgages or rent charges were ruined, tenants farming on borrowed capital became parish paupers, bankruptcies, seizures, executions and imprisonments for debt were prev-

⁶⁴ Onahan, *Irish Settlements in Illinois*, in *Catholic World*, 33, 159-160.

⁶⁵ Reynolds, *Illinois*, 183.

⁶⁶ *History of Lee County*, 117-185.

⁶⁷ Asbury, *Quincy*, 103-106.

⁶⁸ Reynolds, *Illinois*, 168; Murray, *Travels in North America* (1854), 2, 129.

⁶⁹ *Metropolitan*, 4, 721.

⁷⁰ *Putnam's Magazine*, 4, 628.

alent; rents fell into arrears, tithes and poor rates remained unpaid; labor bills were reduced and improvements discontinued."⁷¹ Wages were exceedingly low,⁷² artisans and farm hands sharing alike in the poor returns to labor. Tithes were exorbitant⁷³ and the taxes were equally heavy.⁷⁴

The results of these conditions soon showed themselves in riots of a serious nature partly aimed at the wealthy classes and the clergy and partly to break up the new industrial development which had come with the introduction of machinery.⁷⁵ For a time reform legislation allayed the trouble but riots and disturbances broke out anew during the closing years of the decade 1831 to 1841, and continued till 1844.

With each renewed agitation the number of emigrants increased. Farmers, wishing better returns for their labor, artisans and professional men began to leave the country.⁷⁶ Clergymen urged their parishioners to emigrate to America where wages were good.⁷⁷ The London Roman Catholic Emigration Society hastened to complete preparations whereby various parties, each with its clergyman at its head might find new homes in America.⁷⁸ New agitations by the trade unions and the Chartists broke out to swell the numbers already crossing the ocean. In fact "there probably never was a nation to which emigration on a great scale was more urgently suggested than to England in the middle of the nineteenth century."⁷⁹ Although her wealth was increasing rapidly, so too was her population and the field for employment was constantly being confined to narrower limits, profits were diminished, rates of interest reduced and the ranks of the uneasy class were being constantly

⁷¹ Traill, *Social England*, 6, 211.

⁷² Farm laborers received nine shillings per week, in haying time a trifle more. (*Niles' Register*, 39, 454); annual wages amounted to from twenty to twenty-one pounds for farm laborers, (*Ibid.*, 41, 321); artisans' wages were from fifty to sixty cents per week. (*Ibid.*, 42, 124.)

⁷³ In England 6,000,000 parishioners paid £8,896,000 tithes while 198,000,000 in other parts of the world paid but £8,852,000. (*Niles' Register*, 40, 160.)

⁷⁴ *Family Magazine*, 6, 416.

⁷⁵ Traill, *Social England*, 6, 211. *Niles' Register*, 39, 454-456.

⁷⁶ *Niles' Register*, 62, 400; *North British Review*, 18, 262.

⁷⁷ Placards posted throughout the country said that laboring men in America received from three to four dollars per day. (*The New Yorker*, June 17, 1837.)

⁷⁸ *Madison Express*, June 1, 1843.

⁷⁹ *North British Review*, 18, 259.

augmented. During the years 1845-1847 emigration to the United States doubled, which shows the dissatisfaction with conditions existing in the kingdom.⁸⁰

Of this immigration a portion came west and in 1850 there were 18,600 English settlers in Illinois.⁸¹ Settlements were made early at Albion,⁸² Carlyle⁸³ and Prairie du Long.⁸⁴

Shortly after the opening of the lead mines the Cornish began to settle there and grew rapidly in numbers.⁸⁵ At Nauvoo during the days of Joseph Smith a great number of English congregated. Missionaries sent to England by the Prophet never returned without a band of converts. In 1840 the first band came⁸⁶ and by 1844 it was estimated that of 16,000 saints then in and around Nauvoo, 10,000 were English.⁸⁷ Other settlements of less note were scattered over the state.⁸⁸

As a class the English did not make good prairie pioneers for they knew little of agriculture as it was carried on in the great western country, and of all immigrants they experienced the most difficulty in settling down and yielding themselves to the conditions of a new country. Their minds were hampered with prejudices in favor of the customs and habits of the mother country, which, combined with the lack of those qualities which make good pioneers, kept the English from being classed with the successful settlers of the new country.⁸⁹

⁸⁰ Young, *Report on Immigration* (1872), 12.

⁸¹ *Seventh Census* (1850), xxxvi.

⁸² Flower, *English Settlements in Edwards Co. Ill.*, 147.

⁸³ *Ibid.*, 163.

⁸⁴ Davidson and Stuvé, *Illinois*, 349.

⁸⁵ Copeland, *The Cornish in Southwestern Wisconsin*, in *Wis. Hist. Collections*, 14, 305.

⁸⁶ Smith and Smith, *Latter Day Saints*, 2, 450.

⁸⁷ Lewis, *Impressions of America*, 265. See also Beadle, *Life in Utah*, 59; *Cincinnati Chronicle*, Aug. 26, 1840; Kennedy, *Early Days of Mormonism*, 219; *New York Weekly Herald*, April 9, 1842; *Niles' Register*, 69, 144; 60, 304; 63, 400; 64, 96.

⁸⁸ Settlements were made at: Rockton, Winnebago county (Carr, *Rockton*, 16); Butler's Point, Vermillion county (Beckwith, *Vermillion Co.*, 640); Dixon, Lee county (*History of Lee County*, 177-185); La Salle, La Salle county (Baldwin, *La Salle County*, 225-483); Peoria (Ballance, *History of Peoria*, 201); Ridott township, Stephenson county (*History of Stephenson County*, 268); Will county (*History of Will County*, 659-906); McHenry county (*History of McHenry County*, 637).

⁸⁹ Latrobe, *The Rambler in North America*, 2, 163.

Economic causes operated in Scotland after 1830 to cause emigration. The growth of the wool industry compelled many of the peasant class to leave the country during the decade 1831-1840.⁹⁰ The famine of 1847 rendered many others destitute and aided in increasing emigration.⁹¹ In 1834 they began to come to Illinois and formed little settlements throughout that part of the state north of Peoria.⁹² By 1850 there were 4,660 Scotch in Illinois.⁹³ As citizens in the new country they were well thought of on account of their frugality, sobriety and industry. As agriculturists they ranked high, it being estimated that seven of every twelve families succeeded.⁹⁴

Scandinavian immigration to the United States was slight indeed before 1830 but by 1850 there were settled in Illinois some 3,500 people of this nationality.⁹⁵ The first Norwegians settling in Illinois came from New York in 1834.⁹⁶ They settled at La Salle and Ottawa and at other points in the Fox river valley.⁹⁷ The most interesting Scandinavian settlement in the state was the Bishop Hill Colony in Henry county. Owing to religious difficulties at home five hundred left for America in 1846 and settled in the above named county. By 1848 the settlement numbered 1,200 souls and continued to flourish for some years after 1850.⁹⁸ Various other settlements were scattered about the state at this date.⁹⁹

⁹⁰ *Niles' Register*, 40, 93.

⁹¹ *Little's Living Age*, 13, 97.

⁹² Settlements were made at: Argyle, Winnebago county (*History of Winnebago County*, 454); Dundee, Kane county (*History of Kane County*, 230); Will county (*History of Will County*, 242, 659-906); La Salle county (Baldwin, *La Salle County*, 225-483); Peoria (Ballance, *Peoria*, 201).

⁹³ *Seventh Census* (1850), xxxvi.

⁹⁴ Collins, *Emigrants' Guide*, 77.

⁹⁵ *Seventh Census* (1850), xxxvi.

⁹⁶ Baldwin, *La Salle County*, 164.

⁹⁷ *Historical Magazine*, 2, 202.

⁹⁸ Mikkelsen, *Bishop Hill Colony*, in *Johns Hopkins University Studies*, 19; Bigelow, *Bishop Hill Colony*, in *Transactions of the Illinois Historical Society*, (1902); *Niles' Register*, 72, 260; Bremer, *Homes of the New World*, 2, 67.

⁹⁹ Beaver Creek, Iroquois county (Anderson, *Norwegian Immigration*, 200, and Nelson, *Scandinavians in the United States*, 1, 129); Rock Run, Stephenson county, (*Ibid.*, 1, 182; *History of Stephenson County*, 255); Nettle Creek, Grundy county (*History of Grundy County*, 287); Mercer county (Reynolds, *Illinois*, 183); Lee county (*History of Lee County*, 767); Princeton, Bureau county, (*Taxpayers and Voters of Bureau County*, 133); Andover, Henry county (Nelson, *Scandinavians in the United States*, 1, 217); Moline, Rock Island county (*Ibid.*, 1, 217); Galesburg, Knox county (*Ibid.*, 1, 217).

French, Swiss, Portuguese, Poles, Welsh, Spanish, Belgians, Dutch, Italians, Austrians, Danes, Greeks, Mexicans, West Indians, Hawaiians, South Americans and even Chinese were represented in Illinois in 1850.¹⁰⁰ Of these nationalities the French were the most numerous. When the Americans first came to Illinois the French settlements along the American Bottom and at Peoria were practically the only ones in the territory. The Americans with their new ways and ideas of government and law caused such wonder and even distrust among this simple people that many moved away. Those remaining assumed by degrees the American manners and language, but became of less importance politically and socially as the American settlers increased in number. Few indeed were the French immigrants before 1830 and at no time during our period did the annual immigration to the United States number 10,000 save in the years 1846 and 1847.¹⁰¹ During the early days in the northern part of the state lone French-Canadian cabins were often found along the rivers, inhabited by traders in the employ of the American Fur Company.

The first French colony of any importance to be established in Illinois after 1830 was at Metamora, Woodford county, in 1831.¹⁰² In 1837 another was established by the Piquet brothers at Saint Marie, Jasper county. The colony numbered twenty-five persons and owned 12,000 acres of land.¹⁰³ An interesting colony of French was located in Hancock county where three hundred followers of Cabet lived in the old Mormon town of Nauvoo. Coming to Illinois in 1849 they remained there for several years seemingly enjoying prosperity but internal troubles finally broke up the settlement.¹⁰⁴ In Kankakee county there was a cluster of French-Canadian settlements, chief among which was Bourbonnais, which had a population of 1,719 in 1850.¹⁰⁵ Here the old Canadian customs were maintained for

¹⁰⁰ *Seventh Census* (1850), xxxvi.

¹⁰¹ Young, *Report on Immigration* (1872), 12-16.

¹⁰² *History of Woodford County*, 268, 268.

¹⁰³ *History of Cumberland, Jasper and Richland Counties*, 484.

¹⁰⁴ Reynolds, *Illinois*, 372; *Open Court*, August 28, 1890; Hinds, *American Communities*; Shaw, *Icaria*; Hillquit, *Socialism in the United States*.

¹⁰⁵ *Seventh Census* (1850), xxxvi; Campbell, *Bourbonnais in Transactions of the Illinois State Historical Society*, (1906).

years. The other settlements in the state were of lesser importance.¹⁰⁶

Swiss settlements in the state were few. A general business stagnation in 1844 caused a considerable number of Swiss to leave their native land.¹⁰⁷ In 1815 a Swiss colony from Neufchatel had established itself at Dutch Hill in St. Clair county.¹⁰⁸ A portion of Lord Selkirk's Red River colony settled at Galena in 1826.¹⁰⁹ In Madison county near Highland another colony was begun in 1831. It grew slowly until 1844 when over one hundred colonists were added making it the most important center of Swiss settlement in the state.¹¹⁰

Two Portuguese colonies, one near Springfield and one near Jacksonville were interesting additions to the population of Illinois in 1849. Exiled from the island of Madiera in 1847 owing to religious differences with the Catholic rulers, they landed on the island of Trinidad, from which a number came to the United States subsequently settling in Illinois. It is difficult to state the number of people composing the colonies accurately.¹¹¹

Of other nationalities but few representatives were in the state. A Polish settlement was planned early in the thirties and a grant of land obtained on the Rock river, but the colony never materialized. There were, however, a few Poles in the state.¹¹² In Kane county a considerable Welsh population grew up after

¹⁰⁶ Settlements were made at: Peoria (Ballance, *Peoria*, 201); Dixon, Lee county (*History of Lee County*, 117-185); Rockton, Winnebago county (Carr, *Rockton*, 16); Will county (*History of Will County*, 659-906); Iroquois county (Beckwith, *Iroquois County*, 336).

¹⁰⁷ Luchsinger, *New Glarus*, in Wis. Hist. Collections, 12, 340.

¹⁰⁸ *History of St. Clair County*, 62.

¹⁰⁹ Chetlain, *Recollections of Seventy Years*, 6.

¹¹⁰ Stelnach, *Schweizer Kolonien*, 248, Newbauer, Miss., *The Swiss Settlements in Madison county, Illinois in Transactions of the Illinois State Historical Society*, (1906).

¹¹¹ Number placed at forty-two (*Seventh Census* (1850), xxxvi,) *History of Sangamon County*, 578, says, "On the 19th of October, 1849, nearly three hundred left New York for their new homes in Illinois"; Reynolds, *Illinois*, 183, "I presume the whole would amount to five or six hundred souls"; *Deutsch-Amerikanische Geschichtsblätter*, Jan. 1, 1904, 32, "Und von dort wurden in Jahre 1849 gegen 300 . . . nach Illinois gebracht."

¹¹² Beckwith, *Vermilion County*, 763.

1836.¹¹³ Chicago had a colony of Bavarian Jews.¹¹⁴ and probably in this city could have been found the few Mexicans, Italians, Austrians and others which are enumerated in the census of 1850.

To the influence of cheap land and easy communication, it seems, can be traced the cause for the foreign population of northern Illinois. When immigration from European countries had reached large numbers the lakes were navigated by steam and afforded easy access to the interior of the continent. As a general rule the immigrants were of the lower classes of European society and had little money to spend. Those who wished to become farmers needed land, and lack of money necessitated cheap land, which lay in the West. The great port at the end of the lakes was Chicago, the doorway to the prairies where government lands could be had in abundance at exceedingly low prices. Towards this city the immigrant made his way as an examination of the population of the countries around Chicago will show.

Other influences were probably at work also. The greater part of the immigration to the United States was from northern Europe and in the minds of the people was a well grounded dislike for the institution of slavery owing to the competition arising from it in fields of labor. To this influence can be attributed the fact that little of the cheap land of the Southwest was taken up by foreigners. The climate may also have operated to turn the stream of immigration northward, for in the northern states was found a climate more nearly corresponding to that of northern Europe and consequently more to the liking of the immigrants, for here crops could be raised similar to those raised at home.

¹¹³ *History of Kane County*, 228.

¹¹⁴ *Historical Magazine*, 7, 346.

CHAPTER XII

THE MORMONS IN ILLINOIS

The decade 1841-50 in the history of Illinois settlement is particularly and peculiarly interesting owing to the foundation of several settlements, within the limits of the state, whose impelling motive was either religion or a desire to build up a new and reformed social structure. First in order of time came the Mormons, a sect believing themselves thoroughly imbued with the true religion and wishing, by taking up their abodes within the limits of friendly Illinois, to escape the persecution which had followed them from place to place.

It is not necessary to speak of the doctrines of the Mormon church which have made this institution a source of suspicion and distrust to society in general and of hatred to those who have come into direct opposition to its members. Of its early history little need be said save that after the discovery of the Golden Plates by Joseph Smith the prophet, the church grew with rapidity. A permanent settlement was not to be founded however, since the people who were compelled to live as neighbors of the Latter Day Saints looked upon them with a feeling of aversion.

First settling in Ohio, they afterwards moved to Missouri where they lived in peace for a short space of time. Here again, after accumulating much property and bringing their lands to a high state of cultivation, they were driven from their homes by the Missourians, who, incensed by thefts and robberies committed in the neighborhood of the Mormon colony, did not stop to inquire into causes or to seek out the guilty ones but in the midst of the winter of 1838-39 fell upon the settlement and expelled the whole church from the state. In the dead of winter,

suffering from hunger, cold and sickness, numerous families set out on foot walking the entire distance to Illinois.¹ Others, by virtue of a treaty made with the men of Missouri, were allowed to stay until spring. They offered their lands for sale at small prices and even bartered farms for wagons and teams² by means of which to convey their families out of the state.

In the spring of 1839, the main body of the Saints arrived in Illinois where they told tales of persecution and privation which, linked with the spectacle of utter destitution and wretchedness which they presented upon arriving, awakened the warmest sympathy among the citizens³ of Hancock county where they landed. Great hospitality and kindness were shown them by the Illinoisans.

The town of Venus, later called Commerce, containing a few hundred inhabitants,⁴ and occupying one of the most beautiful sites on the Mississippi river was the destination of the Mormon emigrants. Here they settled to the number of 5,000⁵ and changing the name of Commerce to Nauvoo, which, according to the Prophet means in the Hebrew "the beautiful," they began to build their habitations. They were soon located at different points all over Hancock county and to some extent through the adjoining counties of Pike, Schuyler, McDonough, Henderson and Warren. The largest settlements outside of Nauvoo were at LaHarpe, Plymouth, Macedonia, Green Plains and Montebello—all in Hancock county.⁶ Besides land purchased in Illinois, additional purchases were made in Iowa territory just across the river. Together the total amount of land purchased was about \$70,000 in value.⁷ On the Iowa side of the river some 2,000 people were located.⁸

With almost incredible rapidity the town of Nauvoo sprang

¹ Smith and Smith, *Hist. of the Church of Jesus Christ and of the Latter Day Saints*, 2, 340.

² *Ibid.*, 2, 340.

³ Bennett, *History of the Saints*, 139.

⁴ *Overland Monthly*, 16, N. S., 620.

⁵ Buckingham, *Eastern and Western States*, 3, 193. For illustrations of Nauvoo see Berry, *The Mormon Settlement in Illinois* in *Transactions of the Illinois State Historical Society*, (1906).

⁶ Gregg, *The Prophet of Palmyra*, 156.

⁷ *Niles' Register*, 57, 320.

⁸ *Cincinnati Chronicle*, Aug. 26, 1840.

up. By May, 1840, about three hundred dwellings had been erected.⁹ These were block houses,¹⁰ small wooden dwellings,¹¹ and occasional structures of more imposing size and appearance.¹² Many more were in the process of construction. The city was laid out with geometrical exactness. In dimension, it was four miles in length and three in breadth,¹³ filling up the semicircular bend made by the river. The streets were wide, crossing each other at right angles¹⁴ forming squares having an area of four acres each. These squares were subdivided into four lots of an acre each.¹⁵ In the center of the city was the Temple Block.

At the time of the coming of the Mormons, two political parties were contending for supremacy in the state and the advent of so many voters necessitated the party leaders taking steps to gain control of the new vote and consequently each vied with the other in its efforts to conciliate the Saints.¹⁶ Just previous to the election of 1840, the politicians crowded around the Prophet offering various inducements, but Smith, who was a shrewd man, if nothing else, wisely kept from giving pledges to either side until his price was offered.¹⁷

The price asked and given proved to be a high one and one which was to cause the citizens of the surrounding country as well as the state officers much trouble before many years had passed. Charters for the city of Nauvoo; for the Nauvoo Legion, a military organization wholly under the control of the city but nominally part of the Illinois militia; for the Nauvoo University, and for manufacturing purposes was the price.¹⁸ The Whig party, believing the price satisfactory, signified its willingness to pay it and the Mormons at the command of their leader cast a solid Whig vote, cutting down the Democratic

⁹ *Niles' Register*, 58, 192.

¹⁰ Smith and Smilh, *Latter Day Saints*, 2, 450.

¹¹ Kennedy, *Early Days of Mormonism*, 200.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ Smucker, *History of the Mormons*, 158.

¹⁵ *Overland Monthly*, 16, N. S., 620.

¹⁶ Amberley, *The Latter Day Saints in Fortnightly Review*, 12, 524.

¹⁷ Kennedy, *Early Days of Mormonism*, 204.

¹⁸ Bennett, *History of the Saints*, 139.

majority in the state to 1,900, the lowest it had ever been known to be.¹⁹ The charters were granted at the meeting of the state legislature.

The charter to the city granted almost unlimited powers. It established a government within a government.²⁰ It placed the legislative power of the city in the hands of a mayor, a vice-mayor, four aldermen and nine counsellors.²¹ This council, the charter said "shall have power and authority to make, ordain, establish and execute all such ordinances not repugnant to the constitution of the United States or this state as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of the city."²² This, it will be observed, did not bind the Mormon council to observe the individual laws of the state and they could claim the right to establish a distinct and independent code of laws and it so happened.²³ Jurisdiction within the city was granted to a municipal court composed of the mayor acting as Chief Justice and the four aldermen as Associate Justices.²⁴

A power as great, or even greater, was conceded in the charter for the Nauvoo Legion. This was a military body composed of divisions, brigades, cohorts, regiments, battalions and companies under the command of the Prophet,²⁵ and at the disposal of the mayor for executive purposes. The number of troops was 3,000.²⁶ The university was organized with a President, a Board of Regents and chairs of Mathematics, English Literature, Languages, Rhetoric and Belles Letters, and Church History.²⁷

For a time, the power granted by these several charters was used wisely enough and Nauvoo prospered, but the plenitude of power was too much for those in command and it was abused eventually when the authorities of the city went so far as to

¹⁹ Norris and Gardiner, *Illinois Annual Register and Western Business Directory* (1847), 40.

²⁰ Kennedy, *Early Days of Mormonism*, 209.

²¹ *Ibid.*, 207.

²² *Ibid.*, 206.

²³ Amberley, *The Latter Day Saints*, in *Fortnightly Review*, 12, 526.

²⁴ Kennedy, *Early Days of Mormonism*, 207.

²⁵ *Ibid.*, 208.

²⁶ Amberley, *The Latter Day Saints*, in *Fortnightly Review*, 12, 526.

²⁷ *The New York Weekly Herald*, Jan. 15, 1842.

establish a recording office in which alone transfers of land could be recorded.²⁸ In addition to this an office for the issue of marriage licenses was established which was in direct opposition to the rights of Hancock county.²⁹ At last it was presumed by the municipal council to ask that the mayor be allowed to call in and use the United States troops whenever he should deem it necessary for the protection of himself or followers.³⁰

Here, in the powers of the charters granted by the state of Illinois to the city of Nauvoo lay both the strength and weakness of the Mormon government. The strength was due to privileges granted which allowed the feeling of security to the inhabitants necessary to development; the weakness, in the jealousy aroused in the minds of the citizens of the surrounding country due to the rapid advance of the Mormons in wealth and the overbearing attitude arising therefrom.

Before following out the adverse effects of the charters upon the Mormon Community, a glance must be taken at the rapid development of the city in size and wealth. The latter part of 1841 and the early months of 1842 may be regarded as the high tide of Mormon prosperity in Illinois,—“the season of peaceful sunshine before the storm.”³¹ Great improvements were made in the city during the time. Several hundred houses, some of them brick and stone were erected,³² and on April 6, 1841, the eleventh anniversary of the founding of the church in New York, the cornerstone of the Temple was laid in the presence of several thousand assembled Saints.³³ It was an imposing structure of gray limestone³⁴ and represented on outlay of \$1,000,000.³⁵

Industry did not lag in the meantime. Sawmills at Nauvoo

²⁸ Kennedy, *Early Days of Mormonism*, 207.

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ *Ibid.*, 221.

³² *Nauvoo Times and Seasons*, Sept. 15, 1841.

³³ Gregg, *The Prophet of Palmyra*, 183.

³⁴ The building was one hundred and twenty feet by eighty feet. It was sixty feet in height and to the top of the dome measured one hundred and fifty feet. (*Ibid.*, 383.)

³⁵ *New York Weekly Tribune*, July 15, 1843. Gregg (383) cites an estimate of the cost at \$1,500,000, which he says is an exaggeration.

and Black River Falls³⁶ in Wisconsin were in operation, manufacturing lumber for building purposes. A steam flour mill, a tool factory, a foundry and a factory for chinaware were in busy operation, bearing testimony of Mormon industry.³⁷ The city also owned a steamboat.³⁸

It is hard to fix the population exactly at this or any other date during the colony's stay in Illinois, for the various writers seldom, if ever, agree. Estimates of the population of Nauvoo during 1841 vary from 3,000³⁹ given by the Prophet himself to 10,000 given by a later writer.⁴⁰ Probably the former is nearer the correct number. Estimates of the Mormon population in Nauvoo the next year show similar discrepancies. Agreeing upon one point alone, that the growth of the community was wonderfully rapid, the authors proceed to place the numbers at anywhere from 5,000⁴¹ to 30,000.⁴² Here again, fortunately, we have an estimate made by a Mormon and published in the *Nauvoo Times and Seasons*, which places the population of the city itself at 10,000.⁴³ Allowing for others scattered through the towns around Nauvoo, 16,000⁴⁴ may be said to cover the entire number.

In the latter half of 1842, Nauvoo had its greatest population. Not only had the Saints from Missouri occupied the new city, but hundreds from all over the country, complying with the summons of the Prophet to assemble at Nauvoo and aid in the construction of the Temple and the University, turned their faces toward the home of the church and hastened to take up their abodes either within the city or its immediate neighborhood.⁴⁵

³⁶ Brunson, *A Western Pioneer*, 2, 168.

³⁷ Kennedy, *Early Days of Mormonism*, 199.

³⁸ *Ibid.*

³⁹ Smith and Smith, *The Latter Day Saints*, 2, 501.

⁴⁰ Caswell, *The Prophet of the Nineteenth Century*, 212.

⁴¹ Gregg, *The Prophet of Palmyra*, 223.

⁴² *The New York Herald*, June 17, 1843.

⁴³ *The New York Weekly Herald*, Jan. 15, 1842—copied from *The Nauvoo Times and Seasons*.

⁴⁴ Davidson and Stuvé, *History of Illinois*, 498; *New York Weekly Tribune*, July 15, 1843, estimates 15,000—17,000; *Madison City Express*, July 27, 1843, copies from the *Burlington Iowa Gazette* and estimates 15,000 to 17,000.

⁴⁵ Gregg, *The Prophet of Palmyra*, 162.

The plans of Joseph Smith were far-reaching and he determined that the sinners of other lands should be called to repentance. Elders were appointed to go to England,⁴⁶ Scotland, Ireland and Nova Scotia, besides others who were to spread the new doctrine in the eastern states, Wisconsin Territory and Galena.⁴⁷ Handsome young women were chosen also to aid in the missionary work.⁴⁸

The work prospered, especially in England, from which place many came to swell the congregation at Nauvoo. On June 6, 1840, a colony of forty emigrants sailed from England, under the leadership of Elder Moore.⁴⁹ Three months later the *Liverpool Chronicle* mentions the sailing of a packet from that port having on board two hundred steerage passengers belonging "to a sect called Latter Day Saints and bound for Quincy in the state of Michigan, on the borders of the Mississippi, where a settlement has been provided for them by one of their sect, who has purchased a large tract of land in Michigan."⁵⁰

Occasionally newspapers recorded the movement of these colonies to Nauvoo. The *Cincinnati Chronicle*, evidently meaning the first colony mentioned, speaks of thirty Mormons arriving in that city by keel-boat.⁵¹ They had split into two parties at Pittsburg and the route of the second party does not seem to have been known by the writer. He, however, states that another party of the same sect, (probably the larger party which left in September) is on the way from England destined for Nauvoo. In all there were two hundred and forty who came in 1840.⁵²

The years 1841, 1842, 1843, 1844 and 1845 saw additional converts from foreign lands come to dwell under the direct guidance of the Prophet.⁵³ The immigrants generally came in

⁴⁶ Beadle, *Life in Utah*, 59.

⁴⁷ *Niles' Register*, 64, 336.

⁴⁸ *Ibid.*, 63, 400.

⁴⁹ Smith and Smith, *The Latter Day Saints*, 2, 450; Kennedy, *Early Days of Mormonism*, 219, states the colony was under the leadership of Brigham Young.

⁵⁰ *Niles' Register*, 59, 144.

⁵¹ *Cincinnati Chronicle*, Aug. 26, 1840.

⁵² Kennedy, *Early Days of Mormonism*, 219.

⁵³ Smith and Smith, *The Latter Day Saints* (3, 1) give the following figures: 1841 (769); 1842 (1991); 1843 (769); 1844 (501); Kennedy, *Early Days of Mormonism* (219), gives: 1840 (240); 1841 (1135); 1842 (1614); 1843 (769); no statistics for 1844 and 1845.

large colonies numbering sometimes two,⁵⁴ three⁵⁵ or even five hundred⁵⁶ souls. They landed at various ports from Quebec⁵⁷ to New Orleans⁵⁸ and came to Nauvoo either by way of the Ohio or Mississippi river. The unanimous opinion of people coming in contact with these emigrants on their way to the West was that they were respectable looking⁵⁹ farmers or mechanics and by no means from the lowest classes in England,⁶⁰ people "who would make good settlers if they were free from the infatuation of Mormonism."⁶¹

This constant stream of immigration, it will be seen, did much towards aiding the rapid growth of Nauvoo and the peculiarity worthy of most attention seems to be that by far the greatest number of foreign converts were English. One writer who visited Nauvoo during 1844 says that "of the 16,000 followers assembled at Nauvoo, 10,000 are said to be from England."⁶² The other foreigners were from Germany and Scotland.

With increase of numbers, an increase of prosperity came and with increased prosperity, more effort was made towards beautifying the city. In the construction of houses taste was shown and often evidences of wealth.⁶³ The work on the temple progressed steadily, additional manufactures were added to the number already in operation, evincing industry and economic success.⁶⁴ New farms were enclosed, the land was put under cultivation and a general air of success pervaded the whole neighborhood.⁶⁵

Nauvoo impressed visitors in various ways. One visitor in speaking of the city says, "Such a collection of miserable

⁵⁴ *New York Weekly Herald*, Apr. 9, 1842.

⁵⁵ *Museum of Foreign Literature*, 45, 9.

⁵⁶ *Niles' Register*, 64, 96.

⁵⁷ *Ibid.*, 60, 304.

⁵⁸ *New York Weekly Herald*, Apr. 9, 1842; *Madison City Express*, Apr. 25, 1844. (From *St. Louis Era*.)

⁵⁹ *New York Weekly Herald*, Apr. 9, 1842; *Cincinnati Chronicle*, Aug. 26, 1840.

⁶⁰ *Museum of Foreign Literature*, 45, 9.

⁶¹ *Madison City Express*, Apr. 25, 1844. (From *The St. Louis Era*.)

⁶² Lewis, *Impressions of America and the American Churches*, 265.

⁶³ *Madison City Express*, July 27, 1843.

⁶⁴ Smucker, *History of the Mormons*, 159.

⁶⁵ *Ibid.*

houses and hovels I could not have believed existed in one place."⁶⁶

Other writers who have visited the place speak more highly of it and some with marked enthusiasm. Among these a certain Mr. Newhall, who visited Nauvoo in the autumn of 1843, published his impressions in a New England newspaper, giving a description which is both vivid and interesting. He says, "Instead of seeing a few miserable log cabins and mud hovels which I had expected to find, I was surprised to see one of the most romantic places that I had visited in the West. The buildings, though many of them were small, and of wood, yet bore marks of neatness which I have not seen equalled in this country. The far-spread plain at the bottom of the hill was dotted over with the habitations of men, with such majestic profusion that I was almost willing to believe myself mistaken, and instead of being in Nauvoo of Illinois among Mormons, that I was in Italy at the city of Leghorn which the location of Nauvoo resembles very much. I gazed for sometime with fond admiration on the plain below. Here and there rose a tall majestic brick house, speaking loudly of genius and the untiring labor of the inhabitants. I passed on into the more active parts of the city looking into every street and lane to observe all that was passing. I found all the people engaged in some useful and healthy employment. The place was alive with business—much more than any place I have visited since the hard times commenced. I sought in vain for anything that bore marks of immorality but was both astonished and highly pleased at my ill success. I could see no loungers around the streets nor any drunkards about the taverns. I did not meet with those distorted features of ruffianism or with the illbred and impudent. I heard not an oath in the place. I saw not a gloomy countenance, all were cheerful, polite and industrious."⁶⁷ From this description we may conclude that there was something to commend in Nauvoo and its inhabitants, for the writer had visited many places in his trip through the

⁶⁶ *Overland Monthly*, 16, N. S. 617.

⁶⁷ Smucker, *History of the Mormons*, 152. (Extract from the *Salem (Mass.) Advertiser*.)

West and had had abundant opportunities offered for comparisons.

The newly built dwellings of the rural districts around Nauvoo did not present the same uniform prosperity. This can be explained by the fact that these farms were just being opened up and the habitations erected upon them were in keeping with the general character of pioneer dwellings.

Such was Nauvoo, the city of the Latter Day Saints, when the storm broke over them. The city itself was the largest one in Illinois, having in 1845 some 15,000⁶⁸ inhabitants. Next to St. Louis, it was the most important central point and supply depot of the western territory.⁶⁹ Some families had left by 1844, already anticipating a visitation similar to the one experienced in Missouri, but others had been added in greater numbers to take their places⁷⁰ until by the end of 1844, 30,000 Mormons resided in Nauvoo and its vicinity.⁷¹

In order to understand the expulsion of the Mormons, it is necessary to return to the early history of the settlement. Scarcely had the Mormons settled in Hancock county when trouble arose. Several inhabitants of Shelby county became converts, whereupon a mob attacked them. The Mormons in retaliation secured warrants from Judge Breese calling for the arrest of fifteen of the leaders, but the militia, when called upon to assist in serving the warrants, flatly refused.⁷²

Little by little the opposition grew, quietly at first, but turned by later events into an open and bitter hostility. The extraordinary privileges granted by the charter⁷³ to Nauvoo were instrumental at first in exciting the envy and distrust of the citizens of the surrounding country. An independent military force devoted to the Prophet and the right claimed by him to disregard warrants for the arrest of any person in Nauvoo, if issued from other places, seemed more than the people could bear. Moreover, the political party which had not re-

⁶⁸ Beadle, *Life in Utah*, 134.

⁶⁹ *Chicago Tribune*, Mar. 6, 1886.

⁷⁰ *Nauvoo Times and Seasons*, 5, 743.

⁷¹ Smith and Smith, *Latter Day Saints*, 3, 1.

⁷² *Niles' Register*, 56, 336.

⁷³ Amberley, *The Latter Day Saints*, in *Fortnightly Review*, 12, 527.

ceived the Mormon vote was exasperated and combining forces with others, incensed by different causes, they conspired against the power of the Saints. On December 9, 1842, a motion was made in the legislature of Illinois to repeal the charter.⁷⁴ Joseph Smith's brother, at that time a member, spoke earnestly against the proceeding, appealing to the Locofoco party to sustain his city. As a result no vote was taken and the Nauvoo charter was safe for the time.

Reports also spread through the state that some Mormons at the instigation of Smith, had made an attempt upon the life of ex-governor Boggs of Missouri.⁷⁵ Some foundation was given to the reports when Governor Reynolds issued requisition papers for the arrest of Smith as a fugitive from justice. After some delay, caused by the Mormon authorities at Nauvoo, Smith gave himself up for trial, and after being heard, was released, owing to insufficient evidence being produced against him.⁷⁶

Still another episode helped to inflame the Illinoisans. John C. Bennett, at one time the right hand man of Smith and commander of the Nauvoo Legion, quarreled with his chief and left the city in great wrath.⁷⁷ Having been for several years in high circles in Nauvoo, he worked great harm to the Saints by publishing an exposé⁷⁸ of Mormonism, severe and scathing in its nature, and substantiating in every respect reports of corruptness and immorality existing within the city. Eagerly grasping at anything which would give them a right to work vengeance upon the citizens of Nauvoo, many good and patriotic men began to believe that Nauvoo was a second Sodom and a foul spot which should be blotted out.⁷⁹

As time went on the hatred increased and difficulties multiplied. One of the many charges made against these people was that they were prone to appropriate the property of their Gentile neighbors.⁸⁰ This was strenuously denied by the Mor-

⁷⁴ *Niles' Register*, 63, 304.

⁷⁵ *Ibid.*, 63, 389.

⁷⁶ *Ibid.*, 63, 389.

⁷⁷ Kennedy, *Early Days of Mormonism*, 222.

⁷⁸ The work is entitled, *History of the Saints: or an Exposé of Joe Smith and Mormonism*, (Boston, 1842.)

⁷⁹ Kennedy, *Early Days of Mormonism*, 222.

⁸⁰ Gregg, *The Prophet of Palmyra*, 189.

mons. Extremely poor when they arrived in Illinois, owing to the fact that they had been dragged about from place to place and robbed of their goods either by unbelievers or by the elders of the church in attempts to accumulate property for their own personal benefit, the Mormons had gained in wealth so rapidly that their honesty was questioned.

The doctrines of the church did not support theft but they did teach that, sooner or later, the goods of the Gentiles were to fall into the hands of the Saints.⁸¹ Since they were the true children of the Lord to whom belonged the earth and its richness, it was only just and proper that the Mormons should appropriate such portions as were deemed necessary.⁸² Such were the allegations of their critics.

Out of fairness to that part of the Mormon population of Nauvoo which believed in the church and tried to live moral lives it must be said that probably a large number of the thefts committed were the work of a class of horse-thieves, house-breakers and villains who gathered in Nauvoo that they might cloak their deeds in mystery.⁸³ This class cared nothing for religion and were baptised that they might find refuge in the city, for refuge was given to all claiming a part in the church. When stolen property was traced to Nauvoo, which was often the case, neither the owner nor even officers of the law were able to recover it. Pursuers were set at defiance within the Mormon stronghold, often robbed of their horses and driven out of the city with insults.⁸⁴ Because of this protection it was not long until thefts were committed in broad daylight before the eyes of the farmers themselves who were powerless to prevent depredations.

Moreover, it was charged that Nauvoo harbored a nest of counterfeiters who operated in the surrounding county.⁸⁵ Specie alone would be taken at the government land offices in payment for lands. These men would on occasions load their bogus

⁸¹ *Ibid.*

⁸² Letter of Henrietta C. Jones in *Stories of the Pioneer Mothers of Illinois*. (MSS. in Ill. Hist. Library.)

⁸³ Gunnison, *The History of the Mormons*, 116.

⁸⁴ *Niles' Register*, 69, 110.

⁸⁵ *New York Weekly Tribune*, Jan. 5, 1846.

coin into a wagon, cover it with light articles of merchandise to give the outfit the appearance of a peddler's wagon, and proceed into land districts where specie was in demand. There they would trade off their coin for paper money. Tales of the "spiritual-wife" doctrine were also afloat in the country, which supported by the exposé of Bennett added fuel to the fire.

Even this list of grievances shows but in part the reason for the downfall of the Church of Mormon in Illinois. Jealousy, rivalry and dissension within the church itself at last opened the road, by means of which the final expulsion took place. A new church with William Law as President was established during the spring of 1844.⁸⁶ Not satisfied with this move Law, with the faction, decided to establish a newspaper in the stronghold of Mormonism with the avowed purpose of making an attack upon the leaders of the church. Accordingly on June 7 of the same year, the *Nauvoo Expositor* appeared, bearing the motto, "The truth, the whole truth, and nothing but the truth."⁸⁷ It boldly attacked Smith and his associates for immorality. The first issue was the last, for on the tenth of the month the city council declared the *Expositor* a nuisance and the city marshal at the head of the police force destroyed the press, while the editors fled from the city making appeals to the laws of the state for redress.⁸⁸

The action of the Mormon authorities was construed as an attack upon free speech, liberty of the press and the right of private property,⁸⁹ and writs for the arrest of Joseph Smith and others were secured at Carthage, the county seat of Hancock county.⁹⁰ Officers were sent to make the arrests but after they were effected the constable of Nauvoo produced a writ of habeas corpus sworn out before the municipal court of the city and compelled the release of the prisoners.⁹¹ Feeling against the Mormons ran high and many of them foreseeing serious trouble

⁸⁶ Gregg, *The Prophet of Palmyra*, 237.

⁸⁷ Kennedy, *Early Days of Mormonism*, 234.

⁸⁸ Amberley, *The Latter Day Saints in Fortnightly Review*, 12, 527; *Niles' Register*, 66, 278.

⁸⁹ Kennedy, *Early Days of Mormonism*, 234.

⁹⁰ *Niles' Register*, 66, 278.

⁹¹ Kennedy, *Early Days of Mormonism*, 239.

left the city. Joseph Smith placed the city under martial law, while armed bands of Gentiles formed throughout the country enrolled under the sheriff's orders, ready to march upon Nauvoo.⁹²

Here Governor Ford interfered. Coming to Carthage he sent a message to the prophet demanding an explanation of the trouble. Smith went in person to Carthage to make his defence and was bound over, together with the members of the Nauvoo city council, to appear at the following term of court. Almost immediately after the hearing, the prophet with three followers was arrested upon the charge of treason and thrown into jail.⁹³ Rumors were afloat that an attempt would be made to rescue the prisoners, and, to frustrate this plan, an entrance was forced into the jail by a party of militia-men and both the Smiths were murdered.⁹⁴

The Mormons in Nauvoo feared a general attack upon their city, while a panic spread through Carthage. In two hours the town was deserted. Men, women and children, all fearing Mormon vengeance fled on foot, on horseback and in wagons.⁹⁵ The shock was too great for the Mormons and they made no attempt to take vengeance.⁹⁶ Nine men were indicted, charged with the murder of the Smiths but were acquitted after trial.⁹⁷

The Mormon power, although it had received a severe blow, was not broken. Brigham Young took up the reins of government and Nauvoo gave promise of prosperity but another setback was experienced almost immediately. The August election had resulted in the success of the Mormon ticket in Hancock county and officials obnoxious to the Gentiles were elected.⁹⁸ The previous September had seen a body of resolutions passed by the citizens of the county stating that they would refuse to obey officers elected by the Mormons.⁹⁹ This was followed in June, 1844, by another act, passed by the citizens of Warsaw, being

⁹² *Niles' Register*, 66, 278.

⁹³ Kennedy, *Early Days of Mormonism*, 240-242.

⁹⁴ *Niles' Register*, 66, 311.

⁹⁵ Gregg, *The Prophet of Palmyra*, 280.

⁹⁶ *Niles' Register*, 66, 329.

⁹⁷ Gregg, *The Prophet of Palmyra*, 298.

⁹⁸ *Ibid.*, 320.

⁹⁹ *Niles' Register*, 65, 70.

much more threatening in character. The resolutions called for the expulsion of the Mormons from the township and advised the neighboring townships to adopt the same plan. Moreover, they favored driving all Mormons into Nauvoo and demanding from them their leaders. A refusal would be taken as a signal for a war of extermination and, the resolutions continue "we shall hold ourselves at all times at readiness to co-operate with our fellow-citizens in this state, Missouri and Iowa to exterminate, utterly exterminate, the wicked and abominable Mormon leaders."¹⁰⁰

The state legislature took up the matter in December, 1844, and before the end of January, 1845, a bill to repeal all the Mormon charters had passed both houses and the fate of Nauvoo was sealed.¹⁰¹ Although at this time it was the largest and most prosperous town in the state it began to decline in spite of all efforts made by the Mormons to sustain it.¹⁰²

For the remainder of the year 1845 the Saints remained at Nauvoo and the vicinity but not unmolested. Over two hundred houses belonging to Mormons were burned at Morleytown, Bear Creek, and Green Plains.¹⁰³ Deputies were sent to Young in September telling him that the Mormons were to be expelled from the state, to which notification he replied that he had already determined to leave Nauvoo.¹⁰⁴

A formal treaty was made to the effect that the Mormons should leave in the spring of 1846, provided they were protected from attacks in the meantime and allowed to dispose of their property in peace.¹⁰⁵ Representatives from Brown, Pike, Adams, Schuyler, Knox, Henderson and other counties, men of high standing who earnestly desired the welfare of the state, met in Carthage early in October and passed resolutions stating that in their belief the removal of the Mormons was the only solution to the existing difficulty and recommending to the peo-

¹⁰⁰ *Niles' Register*, 66, 278.

¹⁰¹ Gregg, *The Prophet of Palmyra*, 321.

¹⁰² Smith and Smith, *Latter Day Saints*, 3, 122.

¹⁰³ Gregg, *The Prophet of Palmyra*, 328; Beadle, *Life in Utah*, 137.

¹⁰⁴ Amberley, *The Latter Day Saints*, in *Fortnightly Review*, 12, 534.

¹⁰⁵ *Ibid.*

ple of the surrounding counties that the proposition of the Mormons to move in the spring be accepted.¹⁰⁶

All during the winter of 1845-46 prodigious preparations were made in Nauvoo for removal in the early spring. All the houses and even the Temple were turned into workshops and before the river was clear of ice in the spring 12,000 wagons were ready for use.¹⁰⁷ While the river was yet frozen and the cold was intense, the first band, numbering one thousand, left Nauvoo for the West,¹⁰⁸ but the great body of the Saints remained in the city until they had performed a sacred duty—the completion of the Temple. Although they knew they could never use it, yet it was finished with elaborate care and consecrated early in May.¹⁰⁹ By the middle of the month 16,000¹¹⁰ had left, leaving only about one thousand who had not yet been able to dispose of their property.¹¹¹

Some wished to remain, saying they had left the church and could no longer be obnoxious, others had not the means to get away. The Gentiles, however, were not willing to agree to this, believing that peace could not be restored as long as a vestige of Mormonism was left. The prevailing sentiment was that "Every Saint, mongrel or whole-blood" and every thing that looked like a Saint, talked or acted like a Saint, should be compelled to leave.¹¹²

The more often the Mormons expressed a desire to remain in Illinois the more determined were the citizens that they should not. Things approached a crisis and it soon appeared that those Mormons who remained, now probably six hundred in number, seemed resolved to defend their city to the last.¹¹³ The Gentiles began to gather their forces and 1,200 under the leadership of Rev. Brockman laid regular seige to Nauvoo in September, 1846.¹¹⁴ After a pitched battle, which resulted in the death of

¹⁰⁶ Gregg, *The Prophet of Palmyra*, 335.

¹⁰⁷ Beadle, *Life in Utah*, 142.

¹⁰⁸ Gregg, *The Prophet of Palmyra*, 343.

¹⁰⁹ Amberley, *The Latter Day Saints*, in *Fortnightly Review*, 12, 534.

¹¹⁰ Smith and Smith, *Latter Day Saints*, 3, 164.

¹¹¹ Beadle, *Life in Utah*, 142.

¹¹² *Madison Express*, Feb. 12, 1846.

¹¹³ *Niles' Register*, 7, 272.

¹¹⁴ Amberley, *The Latter Day Saints*, in *Fortnightly Review*, 12, 534.

several on each side,¹¹⁶ the Mormons surrendered and agreed to leave the state at once.¹¹⁷

Nauvoo was now abandoned save for the lone Mormon agent who remained in charge of the property,¹¹⁸ wistfully looking for purchasers or tenants, and waiting for any possible answer to the following advertisement:

"Temple for Sale.

The undersigned Trustees of the Latter Day Saints propose to sell the Temple on very low terms, if an early application is made. The Temple is admirably designed for Literary or Religious purposes. Address the undersigned Trustees.

Almon W. Babbitt,
Joseph L. Heywood,
John S. Fullmer.

Nauvoo, May 15, 1846.¹¹⁹

To Illinois, the expulsion of this sect seems to have been a blessing, for peace and quiet had for years been almost unknown in that portion of the state lying around the Mormon stronghold. Of the four religious or communistic settlements in Illinois this one alone was not welcome, and alone of all was not allowed to work out its own destiny unmolested. One reason may be assigned. The people of the state firmly believed the Mormons nothing more than a band of imposters and rascals. While the Mormon settlement in Illinois is an exceptional case in the settlement of the state it can be considered as a phase of the westward expansion. It is an example of a body of religious enthusiasts attempting to find a place on the frontier where they could put into operation their social and religious views.

Originating in western New York which was a hot-bed for religious excitement, the followers moved to Ohio, then to Missouri, then to Illinois and finally to the far West. Smith was born in Windsor county, Vermont, and moved to New York in 1815. The people among whom he found himself were ex-

¹¹⁶ *Niles' Register*, 71, 64.

¹¹⁷ *Warsaw Signal*, Oct. 13, 1846.

¹¹⁸ Hillquit, *History of Socialism in the United States*, 129.

¹¹⁹ *Nauvoo New Citizen*, Feb. 24, 1847.

tremely religious and superstitious. Prophecies and miracles were believed in and the Bible accepted literally making the state a natural field for wild religious speculation. With increased converts came the vision of a community devoting itself entirely to the teachings of the Book of Mormon. The frontier was the natural place for such a community to work out its destiny and a home was sought, first in Ohio, then in Missouri and then in Illinois.

However free the life and thought of the West might be it could not be brought to agree with or even, at last, to allow the exercise of views which seemed to be pernicious and destructive to religious and social order. The expulsion of the Mormons from Missouri and from Illinois shows another pioneer characteristic yet in the early stages of development. It was one of the first signs of "border ruffianism" which was developed so rapidly in the Kansas struggle of the next decade. In this early stage the characteristic displayed was the beginning of the intolerant spirit towards a disliked institution. The expulsion was arbitrary; it was done simply because of antagonism and while Mormon ideals, beliefs and customs can in no way be supported, the action of the citizens of the states is open to condemnation.

In some ways the city of the Mormons followed the general tendency and laws of development of western towns. Situated on a convenient transportation line and having a good back country to draw upon, it was bound to grow should external conditions not hinder. The development cannot, however, be attributed to natural causes at work in the western country; but it must be attributed to an immigration growing under fanatical religious pressure and here again Nauvoo is the exception in westward expansion. Aside from the desire of a body of people to work out a social, communistic and religious experiment near the frontier line, the Mormon colony is not typical in the western movement.

CHAPTER XIII

COMMUNISTIC SETTLEMENTS IN ILLINOIS

Before the Mormons were driven from Illinois, another interesting community was established within the bounds of the state. The newcomers were followers of the French socialist, Fourier, and were putting to a practical test the theory advanced by this man. The workings and life of the two settlements founded in Illinois seem to have attracted but little attention and almost nothing is known of the communities save that one of them numbering over one hundred members existed for a year and a half in Sangamon county. Of the earlier experiment in Bureau county nothing is known.

Fourier, the father of the theory, founded his philosophy of human relations to God, the world and fellowmen upon the basis of harmony. God created the universe on an harmonious plan, hence harmony was the keynote of all things. Within each person certain instincts and passions predominate and wherever these passions and instincts were properly developed for the good of society, there the ideal state was to be found.

For the proper development of the Phalanx, the basic unit of the system, three square miles of land were necessary upon which was to be built the Palace or common house. Everything was held in common and division of labor was highly developed. Farmers, capitalists, scientists and artists all had their spheres of employment. To each laborer a fixed sum was paid according to the amount of work he did and according to his ability. All profits went to a common fund. All children received equal instruction and from earliest childhood were trained for the Phalanx according to their inclination.¹

¹ Hillquit, *History of Socialism in the United States*, 85.

Practical tests of these dreams were made and, through the efforts of Albert Brisbane, Fourierism was introduced into the United States.² Societies were formed in Massachusetts, New York, New Jersey, Pennsylvania, Ohio, Indiana, Wisconsin, Michigan and Illinois. As a rule they were shortlived affairs and the ones in Illinois were no exception to the rule.

Bureau county was the scene of the first experiment in Illinois. No definite information is obtainable concerning the number of members, the amount of land held by the society or the length of life of the community. It had its beginning in 1843 and was apparently a venture which met with no success.³

Two years later the Integral Phalanx began its life in Sangamon county, a few miles from Springfield. The settlement had one hundred and twenty members and owned over five hundred acres of land. Five or six buildings were erected upon the land besides the large central building which was a two-story structure, three hundred and sixty feet long and twenty-four feet wide.⁴

In actual life this community, while intending ultimately to follow out Fourier's idea in its details, does not seem to have conformed to the established rules during the early days of its existence. A correspondent to the *New York Tribune* wrote that "until the members were prepared to organize they intended to operate on a system of hired labor and pay each individual a full compensation for all assistance rendered in labor or other services and charge each a fair price for what he received from the common store house of the Phalanx. What remained to each individual was then credited to him as stock and drew ten per cent. compound interest."⁵ A further evidence that the community was never thoroughly organized as a Phalanx operating upon a communistic basis is found in the same article, for the correspondent says; "It is better that the different families should remain separate for five years than

² *Ibid.*, 87.

³ Hinds, *American Communities*, 224.

⁴ *New York Weekly Tribune*, Nov. 15, 1845.

⁵ *Ibid.*

to bring them together under circumstances worse than civilization." The venture lasted but seventeen months.⁶ Probably only the more enthusiastic members moved away to similar settlements in other places, the others remaining to take advantage of the excellent farming country.

Next in order of time came the Swedish colony at Bishop Hill in Henry county. It was both religious and communistic in character.

In Sweden no one was allowed to worship excepting according to forms of the established Lutheran church. In 1825 a split came in the church. A new sect composed of peasants and a few of the clergy, and known as the Devotionalists arose in the province of Helsingland.⁷ For seventeen years these Devotionalists, under the guidance of their highly respected leader Jonas Olson, assembled unmolested to read their Bibles, still enjoying their privileges as full members of the Established Church.⁸ The work of the Devotionalists was commendable for it tended towards furthering industry and sobriety among the peasant class whose morals had been very low.

Eric Jansen, who was also the head of a dissenting sect now (1842) appeared upon the scene, speaking with great effect to various assemblages of Devotionalists. The Jansonists had been cast out of the Established Church in 1834 and from that time had been subjected to persecutions by the orthodox party.⁹ Jansen had been imprisoned but escaped through Norway to Denmark and thence to New York.¹⁰

A large number of Swedes having now become dissatisfied with the state of religious affairs in their native land resolved to emigrate. The Jansonists included many among their number who were miners and poor peasants unable to bear the expense of a voyage to America. To remedy this, the idea of making the colony communistic was conceived and carried out.¹¹ A messenger sent in 1845 to seek a place suitable for a colony,

⁶ Hinds, *American Communities*, 224.

⁷ Mikkelsen, *The Bishop Hill Colony*, in *Johns Hopkins Univ. Studies*, 10, 15.

⁸ *Ibid.*

⁹ *Ibid.*, 24.

¹⁰ Nelson, *Scandinavians in the United States*, 2, 2-3.

¹¹ Mikkelsen, *The Bishop Hill Colony*, in *Johns Hopkins Univ. Studies*, 10, 27.

upon arriving in New York, was directed to Victoria, Knox county, Illinois. A satisfactory location having been found and the news conveyed to Sweden, preparations for departure were completed.

In the early summer of 1846 between four and five hundred emigrants¹² set sail from Sweden, landing at New York where they were met by Eric Jansen, who acted as their conductor to Illinois. The scant means of the party were almost exhausted upon landing and as they were still far from their destination a serious problem confronted them. It is said that some of the men traveled the whole distance from New York on foot while the women and children were sent by way of the Erie canal and the Great Lakes to Chicago. From Chicago to Henry county (the destination having been changed from Knox county owing to the reported unhealthful climate of that place) all excepting the weakly, women and children journeyed on foot, a distance of more than one hundred miles.¹³

The Harbinger in speaking of the party as it left Chicago in September, 1846, says that on the faces of these immigrants there were expressions of patient, intelligent endurance. "They were not bowed down with weakness and care like the French and Italian emigrants, nor stern and stolid like the newly arrived Germans, nor wild and vehement like many of the Irish—they walked erect and firm, looking always hopeful and contented though very serious," and the greatest gentleness and good will prevailed among them.¹⁴ When they arrived in Henry county they purchased land and named their new home Bishop Hill in honor of the birth place of Jansen.¹⁵

It could not be said that their lives were happy during the first winter in Illinois. They lived in several log houses, two tents and a dozen "dug-outs."¹⁶ Their fare was no better than their lodgings—pork with bread baked from the cornmeal ground by their mill furnished their food. When the stream which

¹² Nelson, *Scandinavians in the United States*, 2, 2-3; Bigelow, *The Bishop Hill Colony* in the Ill. Hist. Society Transactions (1902), 101-108.

¹³ Hinds, *American Communities*, 303.

¹⁴ *The Harbinger*, 3, 257.

¹⁵ Hinds, *American Communities*, 303.

¹⁶ Nelson, *Scandinavians in the United States*, 2, 3.

turned the mill wheel could not be used, the work was done by two or three men. Scanty fare and poorly ventilated apartments soon brought on disease and the new settlers were either shaking with ague or burning with fever. Cholera appeared and a score died, while many fled to escape this scourge.¹⁷

During 1847 four hundred more arrived and by the close of the following year there were 1,200 in the settlement.¹⁸ Cholera broke out again in 1849 and checked immigration.¹⁹

Like the Puritans the first thoughts of the Swedish settlers were for a church and a school. A large tent²⁰ (some say a log structure)²¹ was erected for divine services. In summer the meetings were held in the open air. A mud cave at first answered the purpose of a school house.²²

During the first year at Bishop Hill the colonists divided their waking hours between labor and worship save the time when they gathered around the common tables. "At five in the winter and four in the summer the bell summoned them to their morning devotions which sometimes lasted two hours."²³ Sometimes at noon and after the evening meal services were again held. A school of theology was instituted and young men after studying the English language a few months, were sent forth to convert the United States and the world.²⁴ Their success was moderate, the Yankees being especially hard to convert since they were "too busy inventing bad clocks and peddling cheap tinware to listen to what the missionaries had to say."²⁵

Farming was carried on extensively and was well done.²⁶ Thousands of acres of land were cultivated and hundreds of cattle and horses went to make up the wealth of the settlement.²⁷

¹⁷ Hinds, *American Communities*, 305.

¹⁸ Bigelow, *The Bishop Hill Colony* in the Ill. Hist. Society Transactions (1902), 101-108; *Niles' Register*, 70, 280; gives the population as 1,100.

¹⁹ Bigelow, *The Bishop Hill Colony* in the Ill. Hist. Society Transactions (1902), 101-108.

²⁰ Hinds, *American Communities*, 305.

²¹ Nelson, *Scandinavians in the United States*, 2, 3.

²² Hinds, *American Communities*, 305.

²³ *Ibid.*, 306.

²⁴ Nelson, *Scandinavians in the United States*, 2, 4.

²⁵ Mikkelsen, *The Bishop Hill Colony* in *Johns Hopkins Univ. Studies*, 10, 31.

²⁶ Nelson, *Scandinavians in the United States*, 2, 4.

²⁷ Hinds, *American Communities*, 310.

Men, women, boys and girls alike worked in the fields.²⁸ Flax and broom corn were produced, and as many of the colonists had been expert weavers in their native land they pursued the industry in their new homes.²⁹ Sawmills were erected and furnished an abundance of lumber.³⁰ The manufacture of kiln-dried bricks became one of the industries.³¹

By 1850, when the greatest prosperity of the colony began, nearly every province of Sweden was represented at Bishop Hill, which was, at that time, by far the most populous and important settlement in Henry county.³² Between \$10,000 and \$15,000 in gold had been put into circulation by these Swedes in purchasing land and the necessities of life, which, since trade in the section of the state was being carried on almost entirely by barter, was a matter of no little importance to the people.³³

Dissension finally arose within the colony and culminated in the murder of Jansen in 1850.³⁴ As has been stated the Bishop Hill settlement was communistic in character and the wealth of the colony which was held in common was controlled by seven trustees who held office subject to the approval of the male members of the colony.³⁵ The common dining hall, where the whole community numbering more than a thousand were fed, was a feature distinctly communistic.³⁶ The trustees were provided for by a charter granted to the colony by the legislature of Illinois in 1853. Two years later financial entanglements due to unsuccessful speculation by the trustees caused the dissolution of the colony,³⁷ and here ended perhaps the most successful experiment among the communistic settlements of Illinois.

In the closing years of the decade 1841-1850 another social experiment was begun on the site of the Mormon city, Nauvoo.

²⁸ *Ibid.*, 307.

²⁹ Nelson, *Scandinavians in the United States*, 2, 4.

³⁰ *Ibid.*, 4.

³¹ Hinds, *American Communities*, 310.

³² Mikkelsen, *The Bishop Hill Colony in Johns Hopkins Univ. Studies*, 10, 38.

³³ *Ibid.*

³⁴ Bremer, *The Homes of the New World*, 2, 67-70.

³⁵ Hinds, *American Communities*, 311.

³⁶ *Ibid.*, 310.

³⁷ Nelson, *Scandinavians in the United States*, 2, 6.

The founder was M. Etienne Cabet, a Frenchman, whose childhood had been passed during the stormy days of the French Revolution and whose youth had witnessed the struggle of France in her vain endeavor to satisfy the ambition of Napoleon. It is scarcely to be wondered at that this man who was one of some ability as a statesman and a writer should have conceived a plan by means of which he thought to correct the corrupt organization of society. The abolition of self-interest and selfishness must, he believed, be effected; common ownership of property must be established; freedom of religion must be tolerated; women must be given the same social rights as men and equality be made the basis of society.³⁸

These communistic doctrines met with much support among the common people of France but not with the higher classes. Not only were the French interested but other nationalities and in foreign countries the better classes of artisans seemed to be the ones most in favor of Cabet's teachings.³⁹ By the Socialistic paper *La Populaire*, Cabet's ideas were disseminated among the artisans of Germany, Spain, Italy and Switzerland—everywhere that the French language could be read. By 1848 some 400,000 people adhered to the Icarian doctrine.⁴⁰

Owing to the fact that it was not generally accepted in France, Cabet decided to move to America and establish his settlement there. Thousands who wished to go had not the means, so sixty-nine were chosen as a vanguard, from among those who could afford to make the voyage, and in February, 1848, they left Havre bound for New Orleans.⁴¹ Fifteen hundred were soon to follow, but upon the establishment of the Second Republic in 1848 it seemed as if better days were coming in France, and the greater part of those intending to leave for America changed their plans and remained at home. Later in the year four hundred came.⁴² The destination of the colony was Texas⁴³ but it was not long before the dream of a community farm of

³⁸ Reynolds, *Illinois*, 374.

³⁹ Robinson, *A Social Experiment in The Open Court*, Aug. 28, 1890.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² *Ibid.*

⁴³ Hinds, *American Communities*, 328.

a million acres in that state faded away under a series of hardships too severe for the people to stand. On January 1, 1849, Cabet landed in New Orleans.⁴⁴ The colony now consisted of four hundred and eighty souls with an average capital of thirty-five dollars per individual.⁴⁵

The Texas venture was a failure. Some were discouraged and gave up;⁴⁶ others remained firm, determined to carry out their original plan of a colony based upon a proper social structure. Exploring parties were sent out to seek a more favorable location and Nauvoo was selected.⁴⁷ Brigham Young when he had organized the migration to Salt Lake had left the Mormon property at Nauvoo in the hands of an agent who remained waiting for a purchaser. This was an excellent opportunity for the Icarians, since the land was well cultivated and there were good houses all of which could be obtained at a nominal figure. Eight hundred acres of land were rented and a mill, distillery and several houses were purchased.⁴⁸ Here, dispirited and homesick as they were, the Icarians attempted to carry out their ideas of a reorganized social life, as well as circumstances would allow.

A constitution was drawn up setting forth the fundamentals of governmental and social structure. The idea was to replace the old world by a new one; to supplant the rule of Satan by the rule of God; moral death by regeneration; ignorance by education; domination and servitude by enfranchisement and liberty; aristocracy by democracy; and monarchy by republicanism. Furthermore, they desired to replace excessive opulence of a few by the well-being of all; to substitute a religion of reason which would induce men to love each other, for religions mixed with superstition, intolerance and fanaticism; to adopt a social organization in which the word "society" would no longer be mockery and falsehood; to replace individual property, the source of all abuse, by social property; to purify the institutions of marriage and family by educating women as

⁴⁴ Robinson, *A Social Experiment in The Open Court*, Aug. 28, 1890.

⁴⁵ *Ibid.*

⁴⁶ Reynolds, *Illinois*, 372.

⁴⁷ Robinson, *A Social Experiment in The Open Court*, Aug. 28, 1890; Miller, Mrs. J. G., *The Icarian Community of Nauvoo, Illinois in Transactions of the Illinois State Historical Society*, (1906).

⁴⁸ Hillquit, *History of Socialism in the United States*, 129.

well as men and allowing them unrestricted choice in the selection of husbands, and finally to base all upon liberty, equality and fraternity.⁴⁹

Unity, solidarity, equality and respect of law were to be perfected by having all live as one family, assuming mutual responsibility, suppressing servitude and submitting to the rule of the majority. The exercise of natural liberty should extend to the right of defense from attack, social liberty should not be exercised beyond the law while political liberty consisted in assisting to make laws. The fundamental guiding principle was to be found in the maxim "Love thy neighbor as thyself."⁵⁰

All male members over twenty-one years of age were allowed to take an active part in the government. All branches of society were under the supervision of committees and education was given special attention, for in the younger generation Cabet hoped to see the realization of his ideals of social and governmental structure, and the children were educated accordingly by the community, living together as a single family.

The everyday life of the community was simple but interesting. Each member worked according to his strength, laboring ten hours a day. On Sunday lectures were given on moral and religious subjects; dancing and the enjoyment of nature were indulged in during the day while theaters and concerts were held in the evening. The business of the community was discussed on Saturday evening.⁵¹

The industry of the members, their peaceful and orderly habits caused them to be esteemed by their American neighbors. They were a sociable and intellectual people living a better life than could have been lived under a system of individualism and they formed a pleasant contrast to the people who had occupied the site of their colony only a few years before.

Financial troubles, however, at last caused dissension and numbered the Icarian community among the failures of socialistic experiments. The colony divided, part going with Cabet to St. Louis and the remainder to Iowa.⁵²

⁴⁹ *Charter and By-Laws of the Icarian Community*, 7-8.

⁵⁰ *Ibid.*, 9-16.

⁵¹ Reynolds, *Illinois*, 376.

⁵² Robinson, *A Social Experiment in The Open Court*, Sept. 11, 1890.

There were a number of smaller colonies in the state based upon plans of a more or less communistic nature. In the Illinois river valley⁵³ were the Tremont, Delavan and Mackinaw colonies in Tazewell county and the Rockwell colony in La Salle county; in the Military Tract⁵⁴ there were the Andover, Wethersfield and Geneseo colonies in Henry county, the Hampshire and Providence colonies in Bureau county and Gale's colony in Knox county; in Eastern Illinois⁵⁵ there were the Rhode Island and Hudson colonies in McLean county, the German colony at Teutopolis, Effingham county, the French *Colonie des Frères* in Jasper county and Noel Vasseur's Canadian colony at Bourbonnais, Kankakee county.

It was generally the plan of the organizers of these colonies to form stock companies, purchase land and allot tracts of it to the members of the companies in proportion to the amount of stock held.⁵⁶ Some of the colonies were chartered by the state.⁵⁷ Often a common house was erected by the company for the accommodation of the settlers until homes could be provided for the families.⁵⁸

These colonies may be taken as a phase of the westward movement which seems to have appealed particularly to New Englanders and New York. There had been, since earliest times, a desire among New Englanders to live in compact settlements. From political and religious instincts the earliest settlers in New England clung closely together. This tendency was strengthened by Indian wars and physiographic influences. It appears that, although many New Englanders came west alone trusting to individual efforts to establish homes in the new country, there was also a distinct movement to settle in

⁵³ See Ch. IV. for details of settlement and growth.

⁵⁴ Ch. V.

⁵⁵ Ch. VIII.

⁵⁶ The Delavan company had a capital of \$44,000 and held 23,000 acres of land (ch., IV.); the Wethersfield colony had a capital of \$25,000 and held 20,000 acres of land (ch., V); the Rhode Island colony had a capital of \$12,500 (ch., VIII); the Providence colony held 17,000 acres (ch., V); the German colony at Teutopolis held 10,000 acres (ch., VIII); and the French colony in Jasper county had 12,000 acres (ch., VIII).

⁵⁷ The Rhode Island Colony in McLean county was chartered by the state of Illinois (ch. VIII).

⁵⁸ The Providence colony (ch., V), the Delavan and Mackinaw colonies all provided common houses (ch., IV).

colonies. From New York, also, similar attempts were made, but when one remembers that western New York was settled by New Englanders shortly after the Revolution, an explanation may be found in the New England origin of the New Yorkers. Probably many of these colonies which were planned in the thirties are due to the spirit of speculation which was rife in the country at the time. It is equally true that the financial difficulties of the closing years of that decade brought many of these ventures to an untimely end. Still another idea may have been in the minds of the promoters. The great prairies of the West could hardly be occupied successfully by individuals but with the concerted efforts of numbers it seemed that success could be obtained. Occasionally religion played a part in the birth of new colonies but it appears that the religious and social influences acted more strongly in those ventures which foreigners attempted.

In the cases of the Phalanx and of Icaria can be seen an interesting phase of the westward expansion. These were attempts by a number of enthusiasts to put into operation certain social ideals which they held. The frontier, or at least the new western country, was the most favorable place for these experiments, for here the members believed they could work out their plans unhampered. Illinois was still enough of a frontier state to allow the greatest possible social freedom and yet it lacked the dangers of the extreme frontier.

The followers of Fourier were quiet, peaceful agriculturists who preached no doctrine harmful to society and they were consequently allowed to remain undisturbed, being regarded by the people of Illinois as a band of dreamers, who sooner or later would see the weakness of their beliefs and abandon them.

In the Icarian community is found an excellent example of a democratic government combined with pure communism in property. When one examines the difficulties which confronted the Icarians, and remembers that the members of the community were only average Frenchmen endowed with ordinary traits of human nature he will see that even though these people tried earnestly to live more equal, unselfish, altruistic lives they had embarked upon a difficult enterprise. Moreover, when it is

remembered that the colony was composed chiefly of artisans from the French cities, rather than people of the farming class, and that they were totally ignorant of American customs, language, laws and business it may be wondered at that the colony attained the degree of success which it did. Besides there was no religious sentiment to spur on the members to success as was the case in the Bishop Hill settlement.

The Bishop Hill colony, primarily religious in character, developed, through necessity, into a communistic experiment. Upon arriving in Illinois, circumstances further developed communistic traits. Being from a foreign land and being unfamiliar with American customs and forms of government, these newcomers felt that they were strangers, and being attached to the customs of their native land they continued to enjoy them. Moreover, in the new country there was, owing to the lack of transportation facilities, little opportunity for contact with the outer world. Agriculture was the chief industry, but with the manufacture of cloth, lumber and other necessities and with the establishment of a college in connection with their church and school, the settlers made their community nearly self-sufficing. The common kitchen and dining-room and the supervision of all business by trustees were important communistic features. The log houses and "dug-outs" for abodes; the meals of pork and corn bread; the attacks of fever and ague, all show the frontier characteristics of the colony.

In some respects the Bishop Hill colony differed from the other settlements of the same general class. The members attempted no new social organization as did the Icarians or the followers of Fourier, neither were they, like the Mormons, attempting to establish a new religion, but they were, like the Puritan fathers, fugitives from their native land attempting to worship as they wished in a new country. The communism practiced was not based upon a theory but was merely the outgrowth of existing circumstances and the desire of the well-to-do to aid the more unfortunate ones.

CHAPTER XIV

THE PRAIRIE PIONEER

So far in the march of the frontiersmen toward the West, the way had been blazed by the hunter-pioneer type. The woodsmen from Kentucky and Tennessee, impelled by an increasing desire to claim new lands had, by sheer force pushed the frontier line slowly towards the western horizon. Behind this class of settlers came another which moved more slowly and which for a time seemed to be outstripped in the race for new lands.

Small farmers composed the class. They were not constantly changing their locations but rather were content to remain in one place until they could dispose of their farms with some profit. By 1830, therefore, the frontier line of the farmers was far in the rear of that of the woodsman.

Physiography, however, caused the two classes to meet and oppose each other in the state of Illinois. Bounded on the south by the Ohio river, the highway of the hunter-pioneer from the Southwest; and covered by a network of streams on whose banks were groves of hard wood, Illinois was first sought by the pioneers from Kentucky and Tennessee. Slowly, at first, these groves were taken up, but by the early twenties the Sangamon country had been reached and soon the valley of the Illinois was the site of hunters' cabins. It seems that a part of the wave of frontiersmen, which was crossing the valley of the Mississippi, paused, turned northward and followed the line of the Illinois river towards the prairies.

By 1830 the noise of the southern axe and the crack of the southern rifle were heard along northern Illinois rivers, but before the decade was two years old the outbreak of Black

Hawk's warriors drove even the most venturesome back to the stronger settlements of the south. The re-occupation of the territory was slow, the advance cautious and the volume of the stream from the South slight. An improvement in transportation facilities now took place which gave the agricultural settlers an advantage in the westward movement, and by opening a line of direct communication with the East, allowed the farmer to compete with the hunter for the first occupation of northern Illinois. 3

Boats of any considerable size were few on the Great Lakes and few indeed, at first, were the immigrants who came to Illinois by the lake route. The advent of steam navigation brought a flood of settlers from the East. Yankees and New Yorkers, despised by the men of the Southwest, were poured upon the prairies of Illinois and took up the woodlands coveted by the Kentuckians and Tennesseans before the latter could recover the ground lost in the Black Hawk War. Consequently, a boundary was placed to the activity of the hunter-pioneer in Illinois.

So far in the movement of settlement across the continent the large farmer had followed in the wake of the hunter and the small farmer, buying up the clearings of the latter, extending their limits and devoting himself to intensive cultivation. Navigation of the lakes by steam reversed the order of things and the man who was formerly in the rear guard of this army of occupation was now in the front ranks. In the sense of making clearings for cultivation he was not a pioneer, for nature had already made clearings on a scale so vast that the settlers who wished to take advantage of them must of necessity become the pathfinders in the solution of the new problem which confronted the advancing frontier. A direct line of water communication with the East, therefore, confronted the best New England stock, and the substantial men of the Middle States with the question of the occupancy of the prairie. In short, northern Illinois did not go through the ordinary evolution which marks the growth of settlement in the wooded sections of the West, for the permanent occupants of the soil were the first occupants.

At the opening of the period, 1831-1850, the great prairies

which extended over central, eastern and northern Illinois, were scarcely marked by improvements save on the southern and western bounds, and then only to a very limited degree. The hunter-pioneer had shunned them, firmly believing that owing to many disadvantages they never would be settled.¹ This belief is only a repetition of the prophecy of Monroe, made half a century before, when he said, "the districts . . . will never contain a sufficient number of inhabitants to entitle them to membership in the confederacy."²

Inviting as were the prairies in appearance, there was a sense of vastness connected with them which seemed to overpower the observer, leaving on him an impression of greatness which could not be subdued. They offered a new problem for the pioneer to solve and of necessity he was compelled to approach it cautiously at first.

Thus far the settler in Illinois had by dint of hard work cleared small tracts of land on the borders of the rivers, erected his cabin and planted a crop of grain, trusting that from small beginnings he would, in time, be able to widen the limits of his clearing to more respectable dimensions. Wood and water he had in abundance and where these were lacking he thought was no fit habitation for man. Moreover, the timber always proved a welcome protection from the icy winds of winter and the myriads of flies in the summer.³

Timber was scarce on the prairies and what little there was, was grouped along the river courses leaving vast stretches of country without shade. Here and there stood a bunch of scrubby oaks, sometimes interspersed with rough and stunted pine and black walnut, hazel brush and long tough grass. From appearances the settlers reasoned that the sterility of the soil was responsible for such lack of development in the timber and the name "barrens" was given to such lands.

The water supply, too, was a most serious objection to any attempt to cultivate the prairies. In some places the land was low and swampy and required draining. Fever and ague at-

¹ *Personal Recollections of John M. Palmer*, 12.

² *Monroe, Writings*, 1, 117.

³ *Henderson, History of the Sangamon Country*, 174.

tacked the settlers in these parts of the prairie and proved a great drawback to settlement.⁴ In other places running water was exceedingly scarce—so scarce that it would necessitate digging wells should the settler desire to keep any stock.⁵

Necessity, however, caused expansion and practically forced the first stream of settlers out upon the prairies. The earliest arrivals had very naturally taken up their abode on the edge of the timber, appropriating a certain amount of it for use in building cabins, out-houses and fences. The later comers could do but one of two things, either move farther west where all the timber was not taken, or move on to the prairie, going no farther than circumstances compelled them.

The prairies improved upon acquaintance and gradually the more venturesome cut loose from the woodlands and selected the higher portions of the prairie but in doing so they were careful to remain as near as possible to a road. The fertility of the soil abundantly repaid any additional labor necessary for the hauling of fuel, rails or house timber. In some cases, fuel was furnished by nature, for where timber failed, coal was often found⁶ and could be mined at a small cost.⁷

Still, timber land was so highly prized by the settlers that it would bring more money than a cultivated farm of prairie land. The lack of timber was soon partially overcome, however, for the settlers early began to experiment with young timber and it did not take long to find out that within a comparatively short time quite large trees could be grown from seed.⁸

Reports of a climate severe in winter and productive of epidemics in summer made many question the advisability of emigrating thither. Although the climate of northern Illinois seemed to be about the same as that in New England, on the average, it was also subject to greater changes.⁹ The snow

⁴ Lewis, *Impressions*, 277.

⁵ *New York Weekly Tribune*, Aug. 30, 1848.

⁶ Harding, *Tours Through the Western Country*, 8.

⁷ *New York Weekly Tribune*, Sept. 15, 1845, says the cost of coal was but three cents per bushel. It also gives the price of land as follows: unimproved prairie land, one and one-fourth to eight dollars per acre; improved prairie land, seven to twenty dollars per acre; and improved timber land, eight to twenty dollars per acre.

⁸ Jones, *Illinois and the West*, 85.

⁹ *New York Weekly Tribune*, Aug. 30, 1848.

did not fall in such quantities as in New England but the cold was more intense and the winds which swept the prairies were harder to bear in these exposed districts. Domestic animals sometimes fell victims to the hard prairie winters¹⁰ and occasionally some unfortunate person froze to death.¹¹ It appears, however, that such winters were exceptional and when one happened to be colder than usual it was recorded. The winter of 1830-31 was one long remembered in Illinois. Snow fell almost continuously from November until January, measuring in some places twelve feet in depth.¹² It was taken by many of the old pioneers as a convenient event from which to reckon time, showing that such severity of the climate was not by any means a common thing.

All through the period during which emigration came in large numbers to Illinois, a constant discussion was kept up as to whether or not the climate was favorable to the health of the settlers. So important was the question and so much effect did the discussion have upon travelers, newspaper men and writers of emigrant guide books, that in many places comments are made upon the general condition of health in the newly settled districts.

An examination of the statements made by both sides reveal the fact that there was a considerable amount of sickness in the new settlements and the older ones which were located along the river valleys. One account says that in 1840 "at Oregon City more than seven-eighths of the inhabitants were sick at one time; at Daysville and at Watertown in a population of ninety or one hundred inhabitants not more than six or eight escaped; and on the Illinois and Mississippi rivers hundreds were sick and many more died in proportion to the number of inhabitants than on Rock River."¹³ This is later modified by another writer who, while he admits that in the early days on Rock River there was much sickness, says that, "Since that time the mortality of northern Illinois has ranged on a per cent. that would contrast favorably with what are generally deemed the most

¹⁰ *Illinois Monthly Magazine*, 2, 100.

¹¹ *A Winter in the West*, 1, 202.

¹² *History of Greene County*, 286.

¹³ *The New Yorker*, May 30, 1840.

salubrious sections of the Union—the New England States.”¹⁴

It was generally conceded that those people who settled on the higher portions of the prairies escaped the fevers and the ague which infested the regions around the rivers and in the low prairies. Exposure to hardships, lack of a comfortable habitation, unwise selections of places for the building of houses, the change of food¹⁵ and overwork¹⁶ caused as much sickness as did unhealthy locations. In spite of adverse tales from the prairie land and in spite of the distance from the eastern states and the inconveniences and slowness of travel a continuous stream of settlers spread over the prairies and began to build homes and to till the land.

As was the case in southern Illinois, the first habitations of the settlers were log cabins built close to the edge of the timber for protection from the wind and that fuel and timber for outbuildings and fences might be easily obtained. Generally these cabins had but a single room, but occasionally two or even three. Boards, shingles and puncheons were all made by the settlers and, while rough, they answered the purpose very well. Windows were few, most of the light coming in through the door and chimney.

In early days lack of furniture and agricultural implements was the rule, not the exception. One man came to begin life in the new country with no other equipment than “a rifle gun and fifty cents worth of powder and lead, a little scant bedding and a skillet and piggin.” Another had but a “straw tick, a broken skillet, a bucket, a rifle-gun, a butcher knife and a steel-yards.”¹⁷ The prairie man needed more goods and since he generally came by way of the lakes he could bring such furniture and implements of agriculture as he needed.

Although log cabins were the first abodes of the prairie men they were not satisfactory, neither did they last long, for as the pioneers moved farther and farther from the timber the labor of hauling logs grew greater, and other expedients seemed necessary. Houses of a very comfortable kind could be built of clay

¹⁴ *New York Weekly Tribune*, Sept. 15, 1845.

¹⁵ *Illinois Monthly Magazine*, 2, 51.

¹⁶ *Albany Cultivator*, 8, 53.

¹⁷ *History of Johnson County* (Ind.), 330.

and roofed with lumber at no very great expense, provided the place was not too far removed from Chicago.¹⁸ In 1841 ordinary lumber which cost from eight to thirteen dollars a thousand in Chicago sold for fifty-five dollars a thousand in McDonough county in the Military Tract.¹⁹

Transportation was the great expense and had to be overcome, for the Yankee was not satisfied with mud cabins. He had not lived in such dwellings in New England and therefore he made strenuous efforts to increase his comforts. Lumber, transported by way of the Great Lakes and hauled overland from Chicago was too expensive, but lumber was necessary and as a consequence saw mills were among the first improvements in the new country. With the advent of this industry the change from log or mud cabins to more comfortable frame houses was by no means slow. Small, at first, the houses of the settlers grew as necessity required and wealth permitted.

After preparing a habitation, be it a mud cabin or a lumber shanty, the next thing which the settler had to do was to prepare some land upon which to raise a crop and here, too, was a problem as difficult to solve as the erection of a dwelling. True, there were no trees to clear away but there was a sod to break which was so tough that it would yield to the plow but slowly. Should the settler hire some one to do the breaking for him the expense would be greater than the cost of the land itself.²⁰ If he did it himself the process was slow and laborious. Operations were begun during the last days of April and finished by the first of July,²¹ for the sod when turned over must have time to rot or it would remain heavy and unproductive for two or three years. At the first plowing it was customary to drop corn in every second or third furrow, from which twenty or thirty bushels to the acre were often gathered.²²

Ox teams to the number of three, four, five or even six yokes were used, hitched to a pair of cart wheels and these to a plow

¹⁸ *American Agriculturist*, (1843), 15.

¹⁹ *Chicago Weekly American*, Sept. 21, 1841.

²⁰ Marshall, *Farmers' and Emigrants' Handbook*, 408. Land cost one and one-quarter dollars per acre; breaking cost one and one-half dollars per acre.

²¹ *The Cultivator and Farmer* (Albany), 1, 80.

²² *American Agriculturist* (1843), 8, 15.

with a beam fourteen feet long and a share which weighed anywhere from sixty to one hundred and twenty-five pounds.²³ The furrow cut measured from sixteen²⁴ to thirty²⁵ inches in width, and from two to six in depth.²⁶ Deep plowing was not as satisfactory as the more shallow plowing, for in the latter case the roots of the grass would rot more quickly.²⁷ In some cases, in order to hasten decomposition of the matted tangle of roots, the land was cross-ploughed, but generally this was not deemed necessary.

Estimates as to the amount of land which one of these large "breaking teams" could plow in a day varies from one acre²⁸ to two and one-fourth acres.²⁹ When a team of horses was used and a smaller plow, an acre was considered an average day's work.³⁰ Between eighty and one hundred acres could be plowed in a season.³¹ Generally, two or three seasons were necessary to decompose the sod thoroughly and render the soil light and loose enough to be turned readily by ordinary plows.

When the prairie man had broken his land, generally about twenty-five acres, the first year, and had planted his crop of corn, another problem presented itself. Fences were necessary to protect the growing fields from the devastations of live stock. When the farmer had access to timber the problem did not present a difficult aspect, for a rail fence could be made with a reasonable amount of labor, but when he was on the open prairie, some twenty miles from timber, another solution had to be found. Some firmly believed that any money spent on fencing the prairies was money thrown away;³² but others persisted in experimenting. Sod, picket, hedge, board and lastly wire were tried.³³ All kinds were expensive,³⁴ however, with the exception

²³ *American Agriculturist* (1843), 1, 15.

²⁴ *Ibid.*, 1, 15.

²⁵ *Madison Express*, Dec. 1, 1841.

²⁶ *Albany Cultivator*, 8, 80, or *Cultivator and Farmer*, 1, 80.

²⁷ *Ibid.*

²⁸ *American Agriculturist* (1843), 1, 15.

²⁹ *Prairie Farmer*, (1847), 7, 140.

³⁰ *Albany Cultivator*, (1840), 7, 80.

³¹ *Prairie Farmer*, (1847), 7, 140.

³² *American Agriculturist* (1843), 1, 370.

³³ *Prairie Farmer*, 6, *passim*.

³⁴ Rail fence cost over one hundred and forty dollars a mile; wire fence, one hundred and fifty-six and one-half dollars a mile; board fence, one hundred and eighty-two dollars a mile. *Prairie Farmer*, 8, 302.

of the hedge fence, and this was objectionable, owing to the amount of grass and weeds growing up around it, and furnishing food for the prairie fires.³⁵

Prof. J. B. Turner of Illinois College experimented for some time with various shrubs, hoping to find some one which would solve the problem of fence for the prairie. After several failures he found the osage orange would answer the purpose very well.³⁶ Ditching, embanking and surmounting the embankment by a three rail fence was also found to be satisfactory, and was used to some extent,³⁷ but it, like other fences tried, showed a woeful lack of ability to keep the farmer's hogs out of his corn.

Only when wire was at last manufactured in large quantities at a comparatively low price was the fence problem on the prairie solved. Up to that time the prairie farmer was accustomed to fence larger tracts of ground for cultivation and omit partition fences, leaving all his fields in one. It was advised that this method should be followed among neighbors, allowing them the protection of large enclosing fences and relieving each of the expense of division fences.³⁸ Often, instead of fencing the cultivated portions of the farm, the order was reversed and the stock was enclosed in pastures, leaving the fields open.³⁹

Gophers and prairie chickens added materially to the troubles of the prairie farmers, for they dug and scratched out newly planted grain.⁴⁰ Sometimes the ravages of these offenders necessitated the planting of a field as often as three times in a season, and then the farmers would sometimes get only half a crop. Men, boys, dogs and all available combatants were enlisted against the pests and regularly organized gopher hunts were sometimes indulged in.⁴¹ A more dangerous antagonist was found in the prairie wolf. This animal had a great capacity for stealing young pigs, robbing hen-houses and committing other depredations. To clear the country of them, hunts were also

³⁵ Marshall, *Farmers' and Emigrants' Handbook*, 97.

³⁶ Willard, *Early Education in Illinois*, 115.

³⁷ Marshall, *Farmers' and Emigrants' Handbook*, 97.

³⁸ *American Agriculturist*, (1843), 1, 15.

³⁹ Reynolds, *Sketches*, 102.

⁴⁰ *The New Yorker*, May 22, 1841.

⁴¹ *Weekly Chicago Democrat*, May 26, 1848.

organized⁴² and the days upon which they took place were holidays.

Wheat and corn were the staple products of the prairie, but oats, potatoes, turnips and buckwheat were also cultivated with success. Fruit, however, did not bring good returns to the farmer. Prices were far from encouraging,⁴³ the fact being probably due to the lack of a market. Since supplies could be obtained at very reasonable rates at the lake ports, and since prices paid for farm produce were higher in the lake cities,⁴⁴ Chicago was the natural center for Illinois produce. Although Chicago was a great deal over a hundred miles from the central Illinois counties, the farmers came in numbers from this part of the state, as well as from the north to sell their grain at this place and to take their supplies from it. The market was so far, that sometimes the farmers could go but once a year; sometimes they went more than once. In some cases a number of neighbors would club together, load one or two wagons, hitch two or three yoke of oxen to each wagon and so haul their produce.⁴⁵ It was not an uncommon sight in the autumn after the harvests were gathered to see in one day two hundred wagons, all loaded with farm produce,⁴⁶ rattling their way along the old State Road from Galena to Chicago.

In the early forties high rates for transportation along the Erie canal did much to keep western farmers from shipping their produce to New York; but a considerable amount, however, found its way thither.⁴⁷ While this operated against the western farmer and tended to depress his market, another influence from the East tended to make the lake route the natural highway for western produce to the East. England in the forties levied a discriminating tariff upon foreign wheat, flour, beef, pork and lard. Canadian flour was admitted into English

⁴² *History of Coles County*, 464.

⁴³ *History of Coles County*, 460; Lothrop, *Champaign County Directory*, 125. Prices were as follows: Wheat twenty-five to thirty-seven and one-half cents per bushel, in the best years sixty cents; oats eight to nineteen cents; corn ten to twenty-five cents; hogs twenty-five cents to one and one-half dollars per hundred weight; a cow and a calf eight dollars and a good horse forty dollars.

⁴⁴ *Madison (Wis.) Enquirer*, Aug. 11, 1841.

⁴⁵ Anderson, *First Chapter of Norwegian Immigration*, 228.

⁴⁶ *Past and Present of Kane County*, 460.

⁴⁷ *Albany Cultivator*, (1842), 150.

ports at one dollar less per barrel than flour from other countries. Similar favors were shown in other produce. It did not take the Yankee or New Yorker of northern Illinois long to see that he could ship his wheat to Canada, have it made into flour there and take advantage of the discriminating duty in that manner.⁴⁹ This tended to center the wheat industry at Chicago and the growth of this industry is noticeable during these years.

In spite of low prices, however, agriculture flourished and offered better returns to the western farmer than to the eastern man. Less labor by one-half was needed, less capital was invested; the average yield per acre was more in the West than in the East and the cost of lake transportation was low enough to allow the western man to compete successfully in the eastern market.⁵⁰ The great problem before the farmer was how to reach one of these lake ports to dispose of his produce as well as to receive lumber and other necessities. The outgrowth of these desires was the internal improvement system of the thirties.

The Illinois-Michigan canal was of primary importance in the Illinois internal improvement system. Joliet was perhaps the first to notice the possibility of connecting the Illinois river and Lake Michigan by a canal.⁵¹ Governor Bond at the first meeting of the Illinois legislature in 1818 brought up the subject of the canal; his successor, Governor Coles, devoted some space to it in his message of 1822. A board of commissioners was appointed in 1828 and two years later an act to incorporate the canal with a capital of \$1,000,000 was passed; but failure to have the stock subscribed caused the plan to fall through for the time. In 1827, Congress granted to the state of Illinois every alternate section in a belt of country extending six miles on either side of the canal, and in 1829 a canal board was organized.⁵² In 1835 the first loan was made and work began in 1836, continuing until March, 1843, during which time the

⁴⁹ *Executive Documents*, 190, 28 Cong., 1 Sess.

⁵⁰ *New York Weekly Tribune*, Sept. 15, 1845.

⁵¹ Hulburt, *Antiquities of Chicago*, 147.

⁵² *De Bow's Review*, 17, 266.

state expended \$4,679,494 on the project.⁵² In September, 1845, the work was resumed and by 1848 was completed.⁵³

Other improvements besides the canal were planned; \$100,000 was to be expended for the improvement of the Great Wabash, a like sum on the Illinois and also on the Rock river; the Kas-kaskia and Little Wabash were to get \$50,000 each for improvements; the Great Western mail route from Vincennes to St. Louis, \$250,000; the Central railroad from Cairo to Galena; the Southern Crossroad from Alton to Mt. Carmel; the Northern Crossroad from Quincy to the Indiana state line, and other minor roads were to be built.⁵⁴

The immensity of the system can best be grasped by noticing statistics. A census taken in 1835 records the population of the state as 271,700;⁵⁵ in 1900 it was 4,821,550.⁵⁶ The debt authorized for these improvements in the first instance was \$10,230,000, but the estimate was found to be too low by half and the state was committed to a liability of \$20,000,000 or at the same ratio today the debt would amount to some \$350,000,000, a debt which the state would not care to assume.

So intent were the people in providing markets, in furnishing suitable transportation facilities and thereby opening up the resources of their state, that they did not count the cost, seeing only results. The immediate results were not what had been anticipated and with the breaking of the bubble of speculation and the collapse of the system as planned in Illinois, the finances of the state were almost ruined, simply because it had not the strength to solve the transportation problem.⁵⁷

The livestock industry developed rapidly on the prairies. Abundant pastures were within the reach of all, and the farmer naturally developed the grazing industry. As early as 1818, some Illinois farmers had made it a business to raise cattle for the Baltimore and Philadelphia markets,⁵⁸ and the industry had

⁵² *Moses, Illinois*, 1, 465.

⁵³ Davidson and Stuvé, *Illinois*, 485-6.

⁵⁴ Davidson and Stuvé, *Illinois*, 436.

⁵⁵ *Ibid.*, 438.

⁵⁶ *Twelfth Census*, (1900), *Population*, 1, 16.

⁵⁷ Scott, *Reputation of State Debts*, 199-217.

⁵⁸ Warden, *Statistical, Political and Historical Account of the United States*, 2,

grown steadily. Before 1850 thousands of cattle were raised on the prairies of Illinois, Missouri and Iowa each year and sold to drovers who took them to Ohio to fatten for the eastern markets.⁵⁹

In spite of the fact that sheep could not be kept upon the prairies without considerable attention, especially during the winter months, the industry rapidly gained favor among the farmers. Heavy losses were at first experienced, due chiefly to mismanagement, for the animals usually purchased in western New York or Philadelphia were driven the entire distance during the hot summer months or the colder ones of autumn to a new home where scarcely any provision had been made for their shelter.⁶⁰ As a consequence many died.

Gaining knowledge by experience, the various branches of industry were soon put upon an excellent paying basis. Some found stock raising profitable, others adapted themselves to the cultivation of grain which at first was harvested and threshed by hand; but before 1850 these primitive methods had given way to more improved ones. Drills were used in planting the seed; mowing machines were used in cutting the hay and reapers for the grain; threshing machines, too, were used before the period was over.⁶¹

The effect of machinery upon the amount of produce was marked. In 1850 Illinois was fifth among the states in the amount of wheat produced; in 1860 it was first with an annual product of more than 23,800,000 bushels.⁶² In 1840 Illinois was seventh in the production of Indian corn; in 1850 it was third with an annual output of nearly 57,650,000 bushels and ten years later it led all the states, producing over 115,000,000 bushels or nearly one-seventh of the entire amount produced.⁶³ Like increases appeared in other productions.⁶⁴

⁵⁹ *The Prairie Farmer*, 9, 305.

⁶⁰ *American Agriculturist*, 4, 247.

⁶¹ Curtiss, *Western Portraiture*, 291.

⁶² *Eighth Census*, (1860), Agriculture, 29,

⁶³ *Ibid.*, 46, 47,

⁶⁴ *Hunt's Merchants' Magazine*, 5, 436, gives statistics for 1840; *Abstract of the Seventh Census*, (1850), 89-90, gives statistics for 1850:

With the increased ability for handling large crops and with the possibility of increased land communication the farms tended to increase in size. Practically, the prairie man had done all he could in the way of subduing these vast stretches of land. The railroads were now necessary to solve the remaining problems. Each successive wave of settlement helped to add cells to the comb already forming on the edge of the prairies; but the process of assimilation was slow save where a line of transportation added its influence.

Pioneer saw mills worked away steadily causing a transition from the log-cabin age to that of lumber houses, but the change was slow at first. Previous to the opening of the Illinois-Michigan canal, lumber sold at sixty dollars a thousand in Ottawa; but the first load through the canal cut the price in two and successive loads reduced it still more. Freight rates the other way were high; at first the price for transporting wheat from Ottawa to Chicago was twelve and one-half cents per bushel. Later it dropped to eight and then to four cents per bushel,⁶⁵ a price which the farmers were glad to pay to have their produce taken across the swampy country around Chicago. This was in only one locality, however, and the other parts of the state were sadly in need of transportation facilities to assist in their development.

The life of the pioneer has characteristics which are the same no matter what his location may be. While new difficulties were encountered by the prairie pioneer, and he himself, generally speaking, was different from the pioneer of southern Illinois, there were characteristics which these two types of settlers held in common.

The first settlers of the southern part of the state were often

	1840	1850
Horses and mules.....	200,741	278,226
Cattle	612,000	912,000
Hogs	1,446,000	1,916,000
Sheep	487,000	894,000
Bushels of wheat.....	3,263,500	9,414,600
Bushels of oats	5,682,000	10,087,241
Bushels of corn	22,524,000	57,647,000
Lbs. of tobacco	475,250	841,894

⁶⁵ *Illustrated History of La Salle County*, 1, 212.

of the wandering type and were constantly seeking new homes. These pioneers were followed by a second class of settlers who generally had some property and were able to pay cash for at least part of their lands, and to make additional improvements. Lastly, came the man of property whose idea was to cultivate the land in the best possible manner and become a permanent resident.⁶⁵

The pioneers of the first class were poor, indeed, enjoying few of the comforts of life and too often were so lazy as to make no effort whatever to better their condition. They lived in rags and idleness, providing for their families by hunting and occasionally cultivating a small patch of corn and vegetables but doing no other work, leading, on the whole, a most shiftless life and seeking no advancement. Morality, too, was of a low standard especially among these people and the poorer European immigrants who settled in the South.⁶⁷

The second and third classes were much advanced beyond the first. These people aimed to advance their material condition and worked constantly to accomplish their object.

Immigration to Northern Illinois after the opening of steam navigation on the Great Lakes reached such a volume that it seems impossible to make any such classification as has been made for Southern Illinois. There was no gradual procession of types but an influx of the agricultural type. So rapidly was the land filled up that a residence of three months in Chicago, for example, gave one the right to be recognized as an old settler.⁶⁸

Travelers through this part of the state give conflicting accounts regarding the inhabitants and their homes. The general sentiment seemed to be that the settlers were of a class superior to the early pioneers of the southern counties. In many places "neat white houses, tasteful piazzas, neat enclosures and newly planted shrubberies" gave evidence of New Englanders or people from the Middle Atlantic states.⁶⁹ The people, as a rule, were contented with their homes and evinced no desire to emi-

⁶⁵ Wyse, *America, Its Realities and Resources*, 2, 349-352.

⁶⁷ *Christian Examiner*, 87, 272.

⁶⁸ *A Winter in the West*, 1, 200.

⁶⁹ *Ibid.*, 2, 62.

grate,⁷⁰ save a few who desired to go to the Oregon territory. Occasionally surprise is manifested at the character and intelligence of settlers.⁷¹

The frontier, however, seems always to have been also the home of a disreputable class of people, and northern Illinois was no exception to the rule. The more quiet citizens were constantly terrified by gangs of horse thieves, robbers, murderers and counterfeiters. For years southern Illinois had been infested by such individuals and as the frontier moved northward across the state, these bands of desperadoes followed it.⁷² The islands of the Mississippi and the groves along its banks were homes for such bands.⁷³

The heterogeneous character of settlement in the northwestern part of the state is described by a New York paper of the time. It says; "The settlers here are all descriptions of people; foreigners, Canadians, Hoosiers, Buckeyes, Marylanders, Virginians, Kentuckians, Yankees, etc., with a large share of cut-throats, blacklegs, murderers, counterfeiters, robbers, thieves and all manner of scamps that infest a newly-settled country; and what is still worse . . . when any such rascals are caught, which is seldom, there is no such thing as putting the law in force or convicting them in anyway before they will be smuggled out of the reach of justice and get clear."⁷⁴ While the illustration may be exaggerated somewhat and intended to check the flow of population it also serves to show that among the law-abiding settlers there were also many who were a decided detriment to the country.

Such conditions did not exist everywhere. The frontier, it is said, brings out the worst as well as the best of men's characters and incidents may be cited to prove this. During the early mining days at Galena, men from the South and West congregated to work the mines, and these men as a class pos-

⁷⁰ Scott, *Journal of a Missionary Tour* (1843), 107.

⁷¹ *The New Yorker*, Aug. 19, 1837.

⁷² Barber, *History of all the Western States and Territories*, 248.

⁷³ The names of the Driskel brothers, Daggett, Bowman, and others for years were connected in the minds of the settlers with every outrage committed in the northwestern counties. *Galena Gazette and Northwestern Advertiser*, July 6, 1841.

⁷⁴ *The New Yorker*, May 30, 1840.

essed and practiced many of the noblest traits of manhood. "As an illustration of their innate integrity of character it is perhaps only necessary to state that locks and keys were unknown in the country and all places of abode were always left unfastened and open to the reception of all, who received a cordial welcome and a free invitation to partake of every hospitality the 'dug-out' or shanty afforded. Debts were contracted without reserve at the first interview with a new comer and he seldom ever failed to meet his promise of payment."⁷⁵

Most noticeable of characteristics common alike to the pioneers of the prairie and the woodland was that of boundless hospitality. The new settler was received kindly and given substantial aid by those who had been in the country longer; his cabin was quickly built and often in addition to assistance thus received it was not improbable that the friendly neighbors would furnish the new settler with some live stock if he had none.⁷⁶ One would give poultry; another, a hog; a third, a calf and so on until there would be quite a drove of stock upon the clearing. No matter how poor the new settler might be, if he did not show a propensity to dispute over trifles or to complain of the disadvantages of the new country, and criticise the manners and habits of the people, and cite the superiority of things in the place from whence he came, he would be received with blunt frankness and unaffected hospitality. His reception was just as much of the opposite character should he presume to cast reflections upon conditions existing in his new home.

To the wayfarer, likewise, the western man extended his simple but hearty hospitality. Every stranger was made welcome to all the primitive home afforded. There was always a place at the table and always room for another lodger, no matter how many already occupied places in the home. This hospitality was extended in a manner peculiar to the frontiersman. He gave it in a simple, unassuming way and wished no remarks even if complimentary, and above all things he wished no citation of unpleasant things encountered before, or any mention of entertainment received elsewhere which was not so good. Such

⁷⁵ Parkinson, *Pioneer Life in Wisconsin*, in the Wis. Hist. Collections, 2, 332.

⁷⁶ Holmes, *Account of the United States*, 133.

remarks were considered as reflections upon the people of the country and from them it was inferred that like remarks would be made again and perhaps in connection with the entertainment then enjoyed.

The country and the surroundings of the pioneer seemed to change him in a few years. Even the quiet, conservative men from the East became rough, independent and simple in habits, careless of dress, frank in speech, friendly and generous to all whom they could trust. Seldom, if ever, did the prairie man fail to make a favorable impression upon those he chanced to meet. When he had reached a period of comparative prosperity nothing was too good for him. He lived in the midst of plenty. His cattle, horses and acres he numbered by the hundreds; his fields of grain and corn were wide in extent and he enjoyed his prosperity continuously which seemed only to improve his goodwill, for nowhere could be found men who would obey the calls of friendship or answer the claims of benevolence with more cheerful promptness or with greater sacrifices to personal convenience.⁷⁷

The daily life of the pioneer was a varied one. Besides cultivating his farm, repairing his buildings and agricultural implements he found time to hunt, to assist his neighbors and sometimes to make attempts to educate himself.⁷⁸ Besides the smaller affairs these pioneers provided for local government, for churches, for schools, for higher education and for the railways and telegraph systems.

Naturally enjoying society, primitive as it might be, these early settlers met often at races, shooting-matches, house-raisings, log-rollings, weddings, funerals, elections and on court days.⁷⁹ Political and religious questions were freely and sometimes violently discussed, at all such meetings and often with

⁷⁷ Hall, *Sketches*, 2, 70.

⁷⁸ Mr. Conant records that on one day he "read the Latin Grammar"; on another he "made a coffin for Mrs. Dougherty and helped to bury her"; on another he "planted corn and prepared for the wedding"; on another he "married Betsy Kelsey"; on others he "made a table and borrowed six bushels of potatoes", "read a sermon"; "made a wagon" and on one day being unwell he "studied algebra" and "wrote a temperance address". *Life of A. H. Conant*, 43.

⁷⁹ *Western Monthly Magazine*, 1, 52. Haines, *Social Life and Scenes in the Early Settlement of Central Illinois* in *Transactions of the Illinois State Historical Society*, (1905.)

keenness and ability. News of the outside world was passed from neighbor to neighbor, for newspapers were scarce in the early days. Books were few. Horse-racing, jumping, wrestling, hunting and dancing were the amusements enjoyed. Card playing was not tolerated by respectable people and a fiddle was, to the church people, only the devil painted red.⁸⁰

Active measures were taken by the legislature of Illinois to stop gambling. A law was passed in the early thirties by which a fine of twenty-five dollars was to be levied on any person bringing into the state or selling a pack of playing cards or a set of billard balls "or any other device or anything invented or made for the purpose of being used in games of hazard." A like fine was to be imposed upon a purchaser of the condemned articles, or anyone indulging in games of dice, billiards or cards "for money or property" and a fine of one hundred dollars upon "any tavern keeper or owner of a grocery or tipling shop" who should allow any form of gambling in his place of business.⁸¹ The pioneer had a standard of morality of his own and thought nothing of the free use of intoxicants. At every gathering the whiskey jug seemed indispensable, occasioning at times disturbances which, from a present day view-point, could never be overlooked.

Education⁸² did not thrive well among the early settlers of southern Illinois. The poverty of the settlers, the hardships of frontier life, the long Indian wars, the slight returns which the lands yielded for school purposes were all so many hindrances. Save a few settlers who came from New England in the early days, the mass of pioneers was composed of people from Kentucky and Tennessee with others from Virginia and Pennsylvania. In these states the common school system had not been

⁸⁰ *Chicago Inter-Ocean*, Dec. 14, 1904.

⁸¹ Extract from statute. (*Sangamon Journal*, May 7, 1836.)

⁸² For a discussion of education in the Northwest and especially Illinois, see: McMaster, *History of the People of the United States*, 5, 370; S. Willard, *Brief History of Early Education in Illinois in Report of Sup't of Public Instruction of Illinois* (1884); W. L. Pillsbury, *Early Education in Illinois*, in *ibid.*, (1886); Rev. A. D. Mayo, *Education in the Northwest during the first half Century of the Republic, 1790-1840 in Report of the Commissioner of Education, 1895-96* (*House Documents*, 54 Cong., 1 Sess., No. 5.); Rev. A. D. Mayo, *The Development of the Common School in the Western States 1830-1865 in Report of the Commissioner of Education, 1898-99*, 1, 357-450.

developed and naturally little attention was paid to the development of such a system in early Illinois.

By an act of 1825, voters in any county might create districts, establish schools for white children between the age of five and twenty and maintain them by a tax of one-half mill on each dollar of taxable property. The law was not compulsory and unless a majority of the voters favored a school, none would exist. The people vigorously resisted the law and the legislature in 1829 repealed as much of it as provided for state aid and declared that no man should be taxed for the maintenance of schools unless he first gave his consent in writing.

Education was not wholly neglected, however. Here and there in the pioneer communities, teachers such as they were gathered the children of the neighborhood together in some kitchen or abandoned log cabin and gave them instruction for scanty pay. By 1840 Baptists, Methodists, Congregationalists, Episcopalians, Presbyterians and Catholics all had seminaries of higher education located in the state.

With the influx of New Englanders and New Yorkers to northern Illinois, changes for the better took place. These pioneers believed thoroughly in the value of schools and wherever two or three families settled together, there it was certain a school was soon to be started. The Ladies' Association for the Education of Girls; the Illinois Institute of Education and the State Association of Educators with other similar organizations fought to bring about the system of common schools which was finally organized in 1854. The effect of the agitation is seen in the results of the decade 1841 to 1850. In 1850 there were 2,640 public schools in Illinois and 132,000 pupils in attendance—the number of schools having doubled in the ten years and the attendance increased four-fold.

In a general way the development of churches was the same. While meetings were held with regularity among the pioneers of southern Illinois it was not until the advent of the northern stream of immigrants that we find churches erected for every community of any size. The circuit riders were to remain for years until the pioneer communities were wealthy enough to maintain a pastor in each one.

It appears that previous to 1850 the agricultural pioneer had only made beginnings. His knowledge of the prairies was limited; he could see the problems confronting him and did his best to cope with them using such means as he had. The problems of transportation and markets were the serious obstacles to be overcome. Rivers formed one solution to these problems but where they failed it was necessary to construct roads. An examination of the location of the most important roads of the decade 1841-1850 shows well the needs of the farmer. From eastern, central, western and northern Illinois, roads centered at Chicago. Here was the supply depot of the prairies; here was the great shipping point, for lake transportation was cheaper than that on the rivers. Chicago was the connecting link between the land and the lake transportation as is shown in later days when so many of the great railway systems which tap the agricultural districts of the West center at Chicago.

The great unoccupied stretches of land between the timbered tracts were to be left for the settlers of the next decade to claim. When an increased use of improved farm machinery allowed the settlers to handle larger tracts of land with success and when the railroads penetrated the prairies and placed markets within the reach of the farmers, then the almost insurmountable obstacles presented by the great tracts of treeless land were overcome.

CHAPTER XV

CONCLUSION—A Resumé

The population map of 1830 shows that in no part of Illinois were there more than eighteen inhabitants to the square mile and that about two-thirds of the state was either entirely unoccupied or had less than seven inhabitants to the square mile. The most thickly settled parts of the state were along the Wabash, Ohio and Mississippi rivers. In the interior considerable settlement had been made along the Illinois and Sangamon rivers.¹

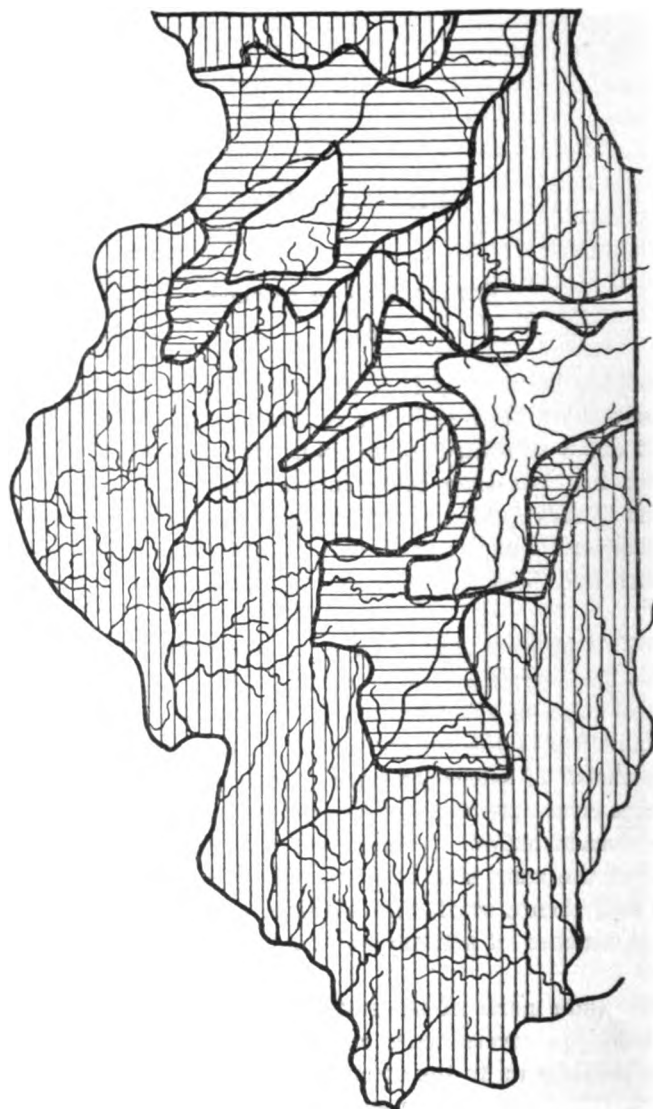
By 1840 it appears that further encroachment had been made upon the great prairies, for all of the state, with the exception of a small part on the eastern side was credited with at least two inhabitants to the square mile. At this date the Military Tract is shown as settled and the outskirts of settlement along the Illinois river extended to Chicago instead of Peoria as designated a decade before. Population was densest on the western side of the state in a belt extending from Quincy to Jacksonville and thence south into Madison and St. Clair counties. The least number of settlers was on the northern and eastern prairies.²

In 1850 those parts of the state bordering the Wabash, Ohio and Mississippi rivers were all credited with not less than eighteen inhabitants to the square mile. The strip of territory along the Illinois river was equally well settled as were those counties in the extreme north.

The prairies of eastern Illinois and of the Military Tract are

¹ *Twelfth Census, (1900), Statistical Atlas, plate 6.*

² *Ibid., plate 7.*



Six or more per square mile in 1940.



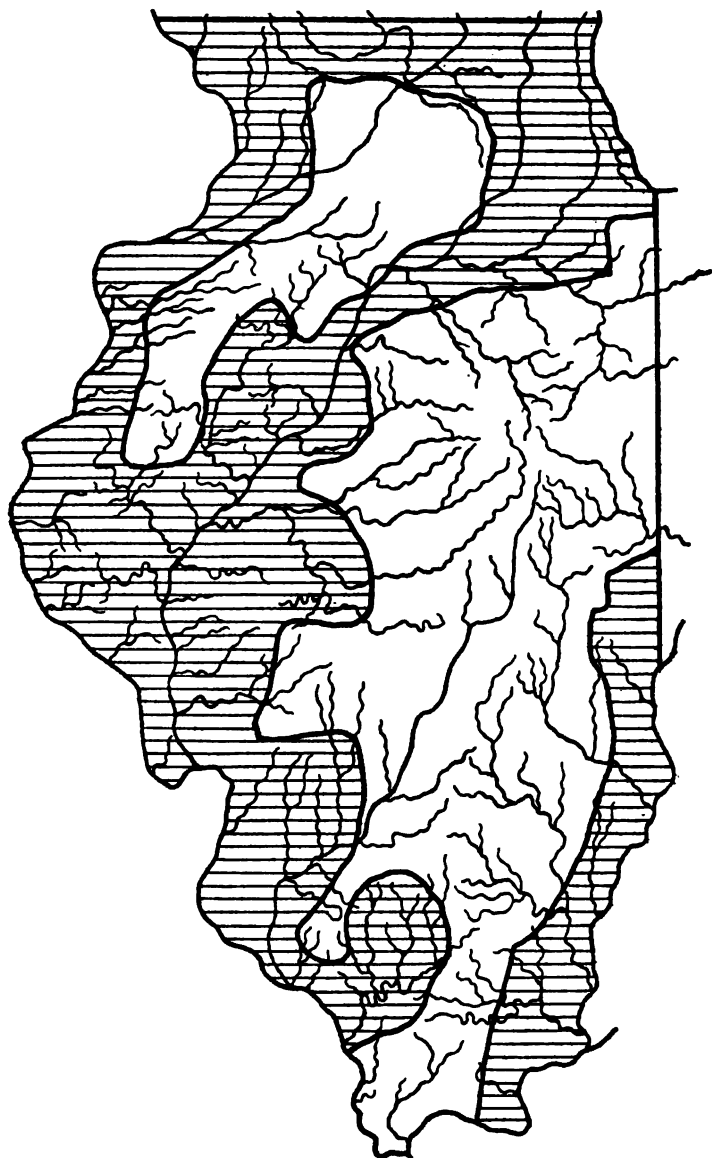
Six or more per square mile: added during decade 1841-50.



Less than six per square mile in 1850.

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Eighteen or more per square mile.

DISTRIBUTION OF POPULATION BY COUNTIES (1850)

clearly marked by the sparseness of settlement. No part of the state had more than forty-five settlers to the square mile.²

These maps give a general idea of the location of population, but in detail they are not accurate. Settlements in 1830 were entirely within the timbered tracts; by 1840 the frontier had moved farther to the north, but still the settlers clung to the timber. Not until after 1850 was the settlement of the open prairies to be really accomplished.

During the years 1831 and 1832 the beginnings of settlement were made in northern and eastern Illinois. At the first alarm of the Black Hawk War the settlers, save in a few instances where communities seemed strong enough to maintain themselves against an Indian attack, fled back to the more thickly populated portions of the state and for the time the spread of settlement ceased along the northern Illinois frontier. These settlements had been planted by pioneers of the hunter type and when the flight southward came it appears that the hunter-pioneers lost their opportunity for settling the woodlands along the rivers of northern Illinois.

Several causes operated to make this retreat before the Indians a permanent one. The trip through the northern portion of the state in pursuit of the fleeing Indian chief disclosed for the first time its wonderful resources as an agricultural district. Here we see the greatest effect of the war of 1832 and one overpowering the temporary compression of settlement during that year.

From 1833 until 1837 or 1838 Illinois had a wonderful growth. The last of the Indian land titles within the limits of the state were extinguished, and the Indians themselves were either induced or compelled to vacate their claims in Illinois and to cross the Mississippi, thus removing the last cause for Indian scares and reassuring the immigrants from the East that their families and homes would be safe on the Illinois frontier. Land sales were constantly taking place at the various offices of the state and the immense internal improvement system already planned and soon to be begun, lead the people not only of Illinois but

² *Ibid.*, plate 8.

of the eastern states, to believe that here were to be presented numerous opportunities for rapid acquisition of wealth.

So far in the history of the westward movement the difficulties of travel had been many and severe. The trips made across the western country in wagons were tiresome indeed and the easier journeys down the Ohio had been attended with difficulties and dangers not to be overlooked, while a journey to the West by way of the Great Lakes was not to be thought of, since a vessel in the upper lakes was as yet a curiosity. The year 1834 saw the solution of this problem of transportation, at least to a great degree, for the advent of the steamer upon the lakes gave to the immigrant the means of comparatively safe and easy passage to the West and moreover, allowed him to carry more household goods, farming implements and domestic animals with which to begin life in the new country.

There has always been among Americans a disposition to immigrate to the West in order to benefit themselves in the attempt to acquire wealth. During the thirties this desire was greatly increased in the East. The national debt had been paid and had been divided among the various states; trade had reached a high development and there was a feeling among the people that money was abundant, that every one was well-to-do and that investments, in land especially, could not help but result in the rapid accumulation of wealth. The farmers of New England, especially the generation of young men who could see no future for themselves in their native states, began to look to the great West for a livelihood. The development of the wool industry tended also to consolidate the small farms into large ones, and those farmers seeing an opportunity to dispose of their small holdings at good prices did so with the intention of moving to a new country. In the middle states frequent reports came, telling of the wonderful opportunities in the western country. Pamphlets advertising Illinois lands flooded the states from Ohio to the sea-board. Since the subdivision of farms had, in the Middle Atlantic states, reached such a degree that the small patches of ground would no longer comfortably support families, and since renters began to see that in the space of a few years they could own farms in the West by the

investment of no more capital than they paid from year to year for rent, many were more than willing to try the experiment of western life.

All things seemed favorable for a period of speculative mania; money seemed plentiful, western lands offered excellent opportunities for the rapid accumulation of wealth, a generation of young men was ready to begin life for itself and lastly, the problem of transportation had, to a great extent, been solved. The result was a natural one; the period of speculation materialized and there came to the western country an unequalled flood of immigration.

Gradually the stream increased in size and by 1835 the speculation in Illinois lands was fairly under way. The stages, steamboats, hotels, taverns and places of general resort were thronged with land sellers and land buyers and in advance of the thickest of the throng like an army of locusts seeking to devour the broad acres of the National domain,⁴ was the crowd of land speculators. Five million dollars worth of lands was entered during 1836.⁵ Even business men of sober, careful judgment, farmers and mechanics formerly wary and conservative, added their stimulus to the ever-increasing scramble for land and invested to the utmost limit which their credit would allow. Individuals who had reached their limit of credit, joined themselves together into companies and with the aid of the banks continued their financial gymnastics.

It is estimated that during the years 1835, 1836 and 1837 more than five hundred new towns were laid out in Illinois,⁶ each company believing that its town was, in the near future, to become a metropolis, the center of a thriving, populous, wealthy community. During the year 1836 in Will county alone, nine towns⁷ were laid out, and Will county was no exception to the general rule prevailing in the state. The lots in these "paper towns" were advertised in eastern cities and many

⁴ Salisbury, *The Speculative Craze of '36*, in *Buffalo Hist. Soc. Publications*, (1906), 4, 324.

⁵ Davidson and Stuvé, *Illinois*, 434.

⁶ *History of McLean County*, 487.

⁷ Woodruff, *Joliet and Will County*, 33.

which today are sites of some farmer's field brought fancy prices.

It is not to be understood that, during all this period of wild speculation, Illinois received no benefit or did not increase in permanent population, or that no towns of this period were to become permanent ones. Some companies organized by New Englanders and New Yorkers were sound enough financially to withstand the shock of 1837 and to establish in Illinois, towns which were destined to weather the financial storm which swept over the state during the years immediately following. In McLean county the Hudson⁸ and Mt. Hope⁹ colonies; in Tazewell county the Tremont¹⁰ and Delavan¹¹ colonies; in Henry county the Andover,¹² Wethersfield¹³ and Geneseo¹⁴ colonies; in Bureau county the Providence¹⁵ colony and in Knox county the Galesburg¹⁶ colony are all examples of the successful town building ventures of the time.

These colonies seem to have been carefully planned and well financed. The land upon which they were located was, as a general rule, purchased before any move was made from the East by the settlers. It is true that the success attendant upon these various enterprises was at first not marked but they were able to maintain a footing during adverse circumstances and to take advantage of the more favorable conditions which followed during the later forties.

The lack of success experienced by the Rockwell colony¹⁷ in La Salle must be attributed rather to the drawback of an unhealthful location than to financial distress. The Morristown colony¹⁸ established in 1836 cannot be classified as a successful colony because of the few settlers who came. An unwise pro-

⁸ *History of McLean County*, 603.

⁹ *Ibid.*, 597.

¹⁰ *Chicago Weekly American*, Feb. 20, 1836.

¹¹ *The New Yorker*, Aug. 31, 1839.

¹² *History of Henry County*, 524.

¹³ *Ibid.*, 187.

¹⁴ *Thirtieth Anniversary of the Settlement of Geneseo*, 5.

¹⁵ *Matson, Reminiscences of Bureau County*, 331.

¹⁶ *Stories of the Pioneer Mothers of Illinois*, (Letter of Mary Allen West, *Ms.* in Illinois Hist. Library).

¹⁷ *Baldwin, History of La Salle County*, 375.

¹⁸ *History of Henry County*, 135.

vision concerning the holding of land and the forfeiture of it in case of default upon the part of the settlers to make improvements within a limited time, operated to the detriment of settlement. The provision placed a premium on the non-acceptance of land, for by so doing the defaulter was able to double the money he had invested.

Illinois, however, does not owe her wonderful growth in population during this period, to the establishment of colonies. The substantial growth took place through the efforts of individuals to establish homes for themselves and to acquire property in the new country. Along the border of the Great Prairie in Eastern Illinois the numerous pioneers from Ohio and Kentucky settled. Fearing as yet to venture out into the open, they took up the lands near the sheltering timber and thus formed a net-work of settlement far out into the prairie without encountering any of its real difficulties. Along the great river system of the Illinois, the Kentucky and Tennessee hunter, following the experience of generations of pioneers accustomed to combat the difficulties of the forest rather than the prairie, pushed their way northward to meet the stream of New Englanders and New Yorkers following the line of the proposed canal. Across in the Military Tract the same operation was going on along the Mississippi river and its numerous branches. The lead region, of course, owes its development to other than agricultural causes or desires to subdue a new country. The Rock river valley was rapidly filling up, especially in the upper portion where water and good timber tracts were freely interspersed with the prairie lands. Here the southwestern and southern pioneer was seldom seen and New Englanders, New Yorkers and Pennsylvanians formed the greater part of the population.

Lack of money among the new settlers, trouble over land claims and the difficulty of getting lumber and supplies from the lines of water transportation, coupled with a lack of markets for farm produce were the only drawbacks to the development of the state at this time. Serious as these may seem, the development of Illinois during this period of "boom" was a rapid one and the ground work of settlement laid in the northern

part of the state during these years of prosperity was strong enough to tide the young communities over the trying years to follow when it looked as if the state was surely to encounter financial shipwreck.

In this period just described (1833 to 1837) the character of the settlement of northern Illinois was fixed once for all—the prairie man who was primarily a pioneer of the agricultural class, or the third type in the succession as followed heretofore, had now jumped into first place to the exclusion of the hunter and the small farmer. Events had operated for this and the result was inevitable. While the pioneers who had occupied the Illinois river woodlands were still safely residing in the southern settlements waiting for the last echoes of the Black Hawk War to die away on the frontier, events were shaping themselves for a new immigration of a different type. Restlessness had ever been a failing of Americans and it was increased after 1830 by a combination of influences. In the previously enumerated causes¹⁹ may be found the reasons for the new flow of immigration to Illinois, and in the application of steam to lake traffic may be found the influence directing this stream of immigration, which gave eastern rather than southern characteristics to northern Illinois. Illinois land was as fertile as any in the West and land was what the immigrant wanted; Chicago was the terminus of the lake route, a natural gateway to the prairies and as a consequence when the great rage for speculation broke out in the thirties and a wild rush was made to the West, Illinois received a liberal share of the new settlers.

The hunter-pioneers who were again returning to the woodlands of the upper Illinois were few in numbers; the agricultural pioneers from New England and New York were poured into Illinois in swarms by the ever-increasing number of lake steamers. As the mania for speculation increased, the army of immigrants increased also, until all the available timber of this portion of the state was taken up. The hunter was primarily a frontiersman; the new immigrant was primarily a farmer. The former wished to keep the new country as a hunting ground, a sort of frontier; the latter wished at the earliest possible per-

¹⁹ *Ch.*, II.

iod of time to convert the new country into an agricultural one. The hunter's woodlands were taken up; he knew nothing of the prairie and in all probability did not care to cultivate it. There was nothing left for him then but to move farther to the West in quest of the frontier. In this contest for the northern part of Illinois, volume and rapidity of transportation had been on the side of the agricultural man and numbers and steam had won, over inferior numbers and slower communication. The result was inevitable as soon as the transportation problem had been solved, and to this element, primarily, it seems, must the northern complexion of this part of Illinois population be attributed.

The period of depression extends over the years from 1837 to 1843. Beginning in the eastern states the panic and its withering results swept quickly over the entire country. Speculation in western lands, in railways, in canals, in corner lots and river fronts tied up much money which was needed to conduct the business of the country. Overtrading, by means of which the country was drained of its specie;²⁰ the rapid multiplication of 'wild-cat' banks²¹ and subsequent suspension of specie payments, together with Jackson's specie circular, precipitated the panic of 1837.²²

Distress prevailed in the East, especially among the laborers and mechanics and in the rural districts the farmers soon began to feel the effects of the situation. Those who could get away from the cities did so and facing the West, looked to it to supply homes and a new start in life. Farmers were, however, not able to sell their lands, for there were none who could buy. Consequently it appears that the majority of the immigrants to the West at this particular period, could not have belonged to the agricultural class in their native states. It was expected that a great influx of settlers would follow on the heels of this panic and it was so stated by some of the western papers.²³ Observations made in the East show similar expectations, and they, for a time at least, proved correct. A Boston paper of

²⁰ *Banker's Magazine*, 12, 390.

²¹ Walker, *Money*, 319.

²² Wilson, *Division and Reunion*, 84.

²³ *Chicago Weekly American*, May 13, 1837.

April 14, 1837, says "The emigration to the great west is rapidly increasing from different parts of the country. The present stagnation in business—and the disastrous effects upon our mechanics and laborers—will tend to send many of them from our large towns and cities, where their services have been in constant demand for some years."²⁴

The course of events in Illinois operated against the rapid settlement of the state during this period. Had not its own finances come into such a deplorable condition, Illinois could have profited by the movement to the West. Local conditions coupled with the general unsettled situation of the country served to intensify the depression in the state and the six years following 1837 were perhaps the darkest ones in its history.

Thousands of acres of land had been purchased by the settlers and payments were regularly falling due. The effect of the Specie Circular was to draw off coin. Money became very scarce and the farmers, in order to obtain specie with which to make payments on their lands, were compelled to pay rates of interest which were excessively high. Twenty-five per cent. was exacted on five year loans and sometimes as high as seventy-five per cent. paid for one year loans.²⁵ To make matters worse counterfeit bank notes and much bogus coin got into circulation.²⁶ The agricultural class suffered severely, too, on account of lack of markets. Few or no cash sales could be made for farm produce and when such sales could be effected, prices were exceedingly low. Barter was the means of carrying on trade and notes were sometimes drawn, payable in a cow or a horse or other farm products.²⁷

The state by 1842, was in debt \$14,000,000 for money wasted on internal improvements;²⁸ the domestic treasury was in arrears over \$300,000 for ordinary governmental expenses; the state banks were beginning to grow shaky and then to collapse. After July, 1841, no attempt was made to pay even the interest

²⁴ *Chicago Weekly American*, May 6, 1837 (*Boston Mercantile Journal*, April 14, 1837).

²⁵ *The New Yorker*, Jan. 12, 1839.

²⁶ *The New Yorker*, June 5, 1841.

²⁷ Clarke, *History of McDonough County*; 60.

²⁸ Blanchard, *The Northwest and Chicago*, 1, 663.

on the public debt; taxation was high and the people were unable to pay even moderate rates. Illinois was in ill repute. There was no trade; real estate was almost unsalable; business was stagnated; everybody wanted to sell his property and move away but there were only a few either abroad or within the state who cared to buy. As it is summed up by Mr Blanchard, the increase or decrease of Illinois' population for the period was small for "the impossibility of selling (property) kept us from losing population and the fear of disgrace and high taxes prevented us from growing materially."²⁹

Almost endless disputes over land claims arose during this period to increase the turmoil in the state. Squatters had settled upon government lands and made improvements and upon the sale of these lands at the land offices, disputes over possession arose, for often those who had purchased a title to certain lands found, upon their arrival upon their purchases, that they were already occupied and portions placed under cultivation by settlers who seemed not at all disposed to yield their rights to the disputed tracts.

Affairs began to assume a better aspect towards the end of 1842 and the people began to take courage and commenced to work their way out of the depression. Governor Ford, then the chief executive of the state, opposed with might and main the movement towards repudiation of the state's debt. Neither did he wish immediate payment of this debt, if it was to increase the burden of taxation. The sentiment of the legislature of 1842 and 1843 was also against any great increase of taxes, but finally a direct tax of one and one-half mills was levied for the purpose of paying the interest on the debt.³⁰ The most noteworthy move of this legislature was the passage of a set of resolutions in which it was stated that as representatives of the state of Illinois the members of the legislature recognized the legal and moral obligation of discharging every debt contracted by authorized agents of the state. Furthermore, the resolution contained a direct disavowal of repudiation, and as direct a statement that the revenues and resources of the

²⁹ *Ibid.*, 1, 659.

³⁰ *Ibid.*, 1, 662.

state would be appropriated to pay its debts as soon as such appropriations could be made without impoverishing and oppressing the people.²¹

The wise financial administration of Governor Ford and the expression by the legislature against repudiation did much towards renewing confidence in the state of Illinois, and, attracted by the brilliant opportunities presented, immigrants again began to come in. The seasons of 1843 and 1844 were seasons of poor crops which operated against the state's prosperity and tended to delay the revival for a short time.

By 1846 there were \$9,000 in the state's treasury instead of a deficit; the auditor's warrants sold at par, or nearly so instead of at a fifty per cent. reduction as in 1842; silver and gold coins were replacing the bank notes of a few years before and \$3,000,000 of the state debt had been paid and the payment of \$5,000,000 more provided for immediately upon the completion of the Illinois-Michigan canal.²² It appeared that Illinois had at last started upon the road to a sound financial system and the increase of population by immigration during the succeeding years shows to what extent this feeling of confidence in the future of the state, was shared by such people of the eastern states as were seeking homes in the West.

The recovery was, however, not an immediate one in all districts. In the western portion of the state, in Mercer and Henderson counties, as late as 1848, it was with great difficulty that the farmers were able to procure enough money to pay for their lands.²³ In Ogle county, too, money was scarce for several years. Gradually the stream of new settlers increased, the timber lands were all taken up and the more venturesome settlers pushed short distances out into the prairies.

During the closing years of the decade, however, when Douglass' Bill asking for a grant of land for the Illinois Central railroad, was being discussed in Congress, attention was attracted to the prairie region of the state and upon the passage of the bill when the railroad became an assured fact, settlers

²¹ *Niles' Register*, 63, 325.

²² Blanchard, *Northwest and Chicago*, 1, 664.

²³ *History of Mercer and Henderson Counties*, 625.

began to take up the prairie land which had for more than twenty years been open for occupation, but had not been bought. The construction of the road effectually opened up the country, giving the pioneers something to connect them with the rest of the world.

In the northern portion of the state conditions were somewhat similar. Lack of communication and of ready markets retarded settlement. Chicago and Galena in opposite corners of the state were the only markets of considerable importance and carting supplies to and from these points was slow work. The northern railroad line was begun late in the forties and with it came an increase of population, but in 1850 there was still a great amount of unsettled country.⁵⁴ Some emigration took place from various quarters of the state in 1849 and 1850, owing to the discovery of gold in California,⁵⁵ but it was hardly enough to be of much consequence.

Lines of transportation and communication influenced the character of the settlement of the various districts of the state. On the outskirts of the Great Prairie of eastern Illinois, in the timbered portions, were found the pioneers of the southwestern states, who had come by the southern wagon roads to this district. Later the men from Ohio and Indiana filled up the remaining spaces. They, too, to a great extent, came by various wagon roads and finding good land in this region were content to settle upon it. In the middle Illinois river counties the same thing is noticeable as in the southern portion of the Military Tract. Contact with the central Illinois counties, which were populated to a great extent by Kentuckians, influenced the population of these districts. Going farther to the north we find in the upper Illinois river counties and the valleys of the Fox and Rock rivers, the New Yorkers and New Englanders. They had come by the easiest road, over the Great Lakes, and had settled in the northern counties before the southern stream had reached the northern timber tracts. Across the

⁵⁴ Lothrop, *Directory of Champaign County*, 122; Beckwith, *History of Iroquois County*, 337; Beckwith, *History of Vermilion County*, 801.

⁵⁵ *History of McLean County*, 232; Boles, *History of DeKalb County*, 404; *History of Sangamon County*, 536.

state in the lead region a community with southern sympathies was planted. The Mississippi river was the highway of commerce and travel for this part of the state and the southern cities were the outlets of its commerce. As a consequence southern influences were brought to bear directly on the inhabitants of the district. Many of the settlers were southerners by birth and this fact combined with the close connection with the South by way of the river tended to give the entire region a marked southern tone.

The importance of communication is shown by the fact that the chief cities, Quincy, Peoria, Rushville, Peru, Ottawa, Joliet, Elgin, St. Charles, Rockford and Galena³⁶ were on or near the rivers. Chicago and Waukegan were on Lake Michigan. Many of the small inland villages, through the influence of the railroads, grew to be of importance after 1850.

The census states that 736,931 native born Americans resided in Illinois in 1850. Of these 343,618 were natives of the state itself and 393,313 had come from other localities. Over 36,500 were New Englanders; 112,000 were from the Middle States; nearly 52,600 were from the South Atlantic States; 2,400 from Kentucky and Tennessee; 98,400 from the states of the Northwest Territory, and 9,469 were from across the Mississippi. New York sent 67,180 immigrants; Ohio 64,219; Kentucky, 49,588; Pennsylvania, 37,979; Tennessee, 32,303; Indiana, 30,953 and Virginia, 24,697. The other states each sent less than 20,000. Not one New England state is found in the above list, the greatest number coming from any of those states came from Vermont, which sent 11,381. The representation from California was the least of all—three.³⁷

In closing the discussion it may be stated that the great pervading power which influenced the settlement of northern Illinois and built up this portion of the state with astonishing rapidity and which gave the northern character to its population was the development of steam navigation upon the lakes. It is true that the spirit of immigration pervaded the entire nation and that this factor augmented by general influences

³⁶ Each town had 2,000 or more inhabitants.

³⁷ *Seventh Census*, (1850), xxxvi.

sweeping over the East and by local conditions in its various regions served as levers to start the movement westward with tremendous force; but it remained for the transportation lines of the Great Lakes to shape the course of the movement and to turn the stream into Illinois through its gateway at Chicago. In this respect the settlement of northern Illinois is typical of the development of the North Middle States in that the influence of the lines of transportation tended to reproduce in the New West hundreds of communities in sympathy with their parent states across the Alleghanies. The strong bonds of lines of transportation connecting the East and the West, tended to wipe out sectional feelings between these parts of the nation and the lack of lines connecting the North and South serves to increase this feeling between the North and the South. Sectionalism in the United States, with the increase of these transportation lines now changed rapidly from longitudinal to latitudinal.

Strictly speaking, the period from 1830 to 1850 is one of varied characteristics, but taken in the light of the solution of the problem of the prairies, it is one of beginnings only. The pioneer as yet did not understand the wide, treeless areas around him; he lacked confidence in his ability to cope with the difficulties they offered and he lacked the power to overcome these obstacles single-handed. Steam was again to be the key to the situation and during the following decade when the railroads spanned the state south and west from Chicago the line of communication with the East was completed. The market was brought closer to the consumer and to the producer, the problem of obtaining lumber and merchandise at reasonable prices was solved and most important of all, when the prairie farmer was finally able to see railroad trains cross the state day after day, he felt that no longer was he shut off from the rest of mankind when at last he swung clear of the timber and built his cabin on the open prairie.

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Information concerning the social and economic conditions influencing the movement of population towards the West must be sought in the local histories and newspapers of the eastern states. Some of the government reports contain considerable valuable material on these points. Estimates of the cost of transportation are accessible in the numerous emigrants' guides and gazetteers of the period; routes of travel are also designated but much information can be obtained on this point by consulting the biographies of the early pioneers. The newspapers tell much of the volume of immigration.

For the struggles of the pioneers with the prairies, local histories, autobiographies and reminiscences of the early pioneers are valuable, as are periodicals such as the *Prairie Farmer* which contains much information concerning the cultivation of the prairies. In the writings of the many travelers who passed through the West in the years preceding 1850, information can be had concerning pioneer society. However, it is well to use these accounts with caution since many of the writers were not friendly. J. B. McMaster's *History of the People of the United States*, 5, chap. xlviii shows the feeling entertained by English travelers towards the people and institutions of the United States. In the proceedings, publications and collections of learned societies are often found articles of interest treating of pioneer days.

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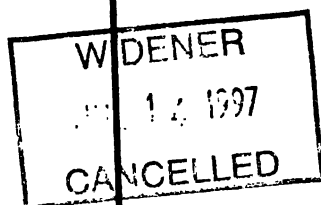
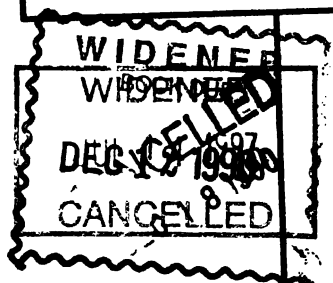
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